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GENIUS, FAME AND THE COMPARISON
OF RACES.

Genius is that aptitude for greatness that is born in a man; fame is the recognition by men that greatness has been achieved. Between the two lie early nurture and training, schools, the influence of friends and books, opportunities, and, in short, the whole working of organized society upon the individual. One is biological, the other social; to produce geniuses is a function of race, to allot fame is a function of history.

The question I propose to consider is, What is the relation between these two things? Does genius always result in fame? If not, why not, what determines whether it shall or shall not do so? These, in a general way, are the inquiries which suggest themselves, and which one would like to answer. I shall be well content if, without attempting to answer them fully, I can bring forward facts or reasoning that shall throw any light upon the matter whatever. That the question is a great one I think no one will doubt for a moment. It is a part of that larger question which is, from one point of view at least, the very root

problem of sociology, of history, perhaps of psychology, the question, that is, of the mutual relations between the individual and the social order, of how society makes the man and of how the man makes society. Although the "great-man-theory" of history, as taught by Carlyle and others, may not be entirely tenable, yet it is quite plain that recent studies in imitation, suggestion and the like have established more firmly than ever the fact of the momentous influence of remarkable men upon the progress of mankind.

One who wishes to work at this subject in as exact and verifiable a manner as its nature permits may well start, I think, from the writings of Francis Galton, and particularly from his great work on "Hereditary Genius." * In this book the author, though concerned primarily with heredity, has found it necessary to his purpose to formulate roughly and to defend a theory of the relation between genius and fame. This theory, which I shall presently elucidate by ample quotations, may be stated, so far as it is capable of brief statement, somewhat as follows: Fame—on the whole, and reserving the right to allow for special conditions—is a sufficient test of genius. Fame can seldom be attained without genius, and genius as a rule achieves fame. Social conditions, though sometimes important and occasionally decisive, may on the whole be regarded as disturbing forces, not at all comparable in influence to natural capacity. This is so far the case that the number of illustrious men a race is capable of producing from a given population may be used as a criterion of the ability of the race, and upon this basis comparisons may justifiably be made between races so remote from each other as the ancient Athenians and the modern English.

I am led by a study of the facts in the case to uphold the following somewhat different theory—for which, however, I claim no originality. Every able race probably turns out a

* Galton's later writings contain, I think, no essential modification of the views set forth in "Hereditary Genius."

number of greatly endowed men many times larger than the number that attains to fame. By greatly endowed I mean with natural abilities equal to those that have made men famous in other times and places. The question which, if any, of these geniuses are to achieve fame is determined by historical and social conditions, and these vary so much that the production of great men cannot justifiably be used as a criterion of the ability of races except under rare and peculiar circumstances hereafter to be specified.*

My view of the relation between genius and the social order may perhaps be made clear by the following comparison: Suppose a man, having plowed and cultivated his farm, should take in his hand a bag of mixed seeds—say wheat, rice, Indian corn, beans, and others—and should walk straight across his land, sowing as he went. All places on his path would be sown alike: the rocks, the sandy ground, the good upland soil, the rich mold in the hollows, the marshes, and whatever other sorts of soil there might be. All would be sown alike, but there would be a great variety in the result when harvest time came around. In some places nothing would come up at all. In the sand perhaps only the beans would flourish, in the marshes only the rice, and so on; while some generous soils would allow a variety of plants to grow side by side in considerable vigor. Something like this, I think, is the case with a stock of men passing through history. A good stock probably produces remarkable children with comparative uniformity, but of these only a few become famous men, and these few, instead of being evenly distributed, appear in

*Views more or less like this have been advanced by various writers; but I do not know that any one has treated the matter at length or answered Galton's arguments so much in detail as I have attempted to do in this paper.

Among the most important writings touching upon the subject are the article by Professor William James, entitled "Great Men, Great Thoughts and the Environment," in the *Atlantic Monthly* for 1880, page 441, and the replies to it by John Fiske (1881, page 75) and Grant Allen (1881, page 371).

Lombroso's "Man of Genius" contains, of course, much interesting matter bearing on this question. See especially Part II.

groups, now of one sort, now of another, now of several sorts.

Before giving Galton's views at length let me point out that the question whether the production of great men is a fair criterion of race, together with the comparisons based upon the supposition that it is, is a side-issue, possibly an after-thought, in "Hereditary Genius," and in no way involves the main thesis of that work, which is that genius may be transmitted by heredity. I imagine that no one who reads the book will question that this thesis is fully proved. It would be strange, however, if the subordinate propositions were as carefully thought out and thoroughly established as the main one.

There is a good deal of statistical reasoning in Galton's work that is not essential to the present discussion. It will be enough to call to mind the fact that he supposes mankind, or any particular race of men, to be classified according to natural gifts in sixteen classes or grades, as follows, beginning with the highest grade and ending with the lowest: X—G—F—E—D—C—B—A—a—b—c—d—e—f—g—x. Of these B, A, a and b are the mediocre classes, and of course the most numerous; F and G include only men of very great abilities; X embraces all higher grades; F, G and X together including only about two hundred and fifty men in a million; f and all below are idiots.

From Chapter IV, which takes up the question, "Is reputation a fair test of natural ability?" It will be necessary, and I am sure interesting, to give somewhat extended quotations. The author first defines the meaning of the question:

"Let it clearly be borne in mind, what I mean by reputation and ability. By reputation, I mean the opinion of contemporaries revised by posterity—the favorable result of a critical analysis of each man's character, by many biographers. I do not mean high social or official position, nor such as is implied by being the mere lion of a London season; but I speak of the reputation of a leader of opinion, of an originator, of a man to whom the world deliberately acknowledges itself largely indebted.

"By natural ability, I mean those qualities of intellect and disposition, which urge and qualify a man to perform acts that lead to reputation. I do not mean capacity without zeal, nor zeal without capacity, nor even a combination of both of them, without an adequate power of doing a great deal of very laborious work. But I mean a nature which, when left to itself, will, urged by an inherent stimulus, climb the path that leads to eminence, and has strength to reach the summit—one which, if hindered or thwarted, will fret and strive until the hindrance is overcome, and it is again free to follow its labor-loving instinct. It is almost a contradiction in terms to doubt that such men will generally become eminent. On the other hand, there is plenty of evidence in this volume, to show that few have won high reputations, without possessing these peculiar gifts. It follows that the men who achieve eminence, and those who are naturally capable, are, to a large extent, identical.

"I believe, and shall do my best to show, that, if the 'eminent' men of any period had been changelings when babies, a very fair proportion of those who survived and retained their health up to fifty years of age, would, notwithstanding their altered circumstances, have equally risen to eminence."

To support this view he relies chiefly upon three arguments:

"1. That men who are gifted with high abilities—even men of class E—easily rise through all the obstacles caused by inferiority of social rank.

"2. Countries where there are fewer hindrances than in England, to a poor man rising in life, produce a much larger proportion of persons of culture, but not of what I call eminent men.

"3. Men who are largely aided by social advantages, are unable to achieve eminence, unless they are endowed with high natural gifts."

Concerning the first point he remarks:

"Now, if the hindrances to success were very great, we should expect all who surmounted them to be prodigies of genius. The hindrances would form a system of natural selection, by repressing all whose gifts were below a certain very high level. But what is the case? We find very many who have risen from the ranks, who are by no means prodigies of genius; many who have no claim to 'eminence' who have risen easily in spite of all obstacles. The hindrances undoubtedly form a system of natural selection that represses mediocre men, and even men of pretty fair powers—in short the classes below

D; but many of D succeed, a great many of E, and I believe a very large majority of those above.

"If a man is gifted with vast intellectual ability, eagerness to work, and power of working, I cannot comprehend how such a man should be repressed. The world is always tormented with difficulties waiting to be solved—struggling with ideas and feelings, to which it can give no adequate expression. If, then, there exists a man capable of solving these difficulties, or of giving a voice to these pent-up feelings, he is sure to be welcomed with universal acclamation. We may almost say that he has only to put his pen to paper, and the thing is done. I am here speaking of the very first-class men—prodigies—one in a million, or one in ten millions, of whom numbers will be found described in this volume, as specimens of hereditary genius."

In speaking of "countries where there are fewer hindrances than in England" Galton has in mind the United States. He points out that:

"The Americans have an immense amount of the newspaper-article-writer, or of the Member-of-Congress stamp of ability; but the number of their really eminent authors is more limited even than with us. I argue that, if the hindrances to the rise of genius were removed from English society as completely as they have been removed from that of America, we should not become materially richer in highly eminent men."

In this connection he urges with great vigor that while common men require sympathy and other favorable circumstances to induce them to put forth their energies, the generality of those who have gained great reputations are 'haunted and driven by an incessant instinctive craving for intellectual work. If forcibly withdrawn from the path that leads toward eminence, they will find their way back to it, as surely as a lover to his mistress. They do not work for the sake of eminence, but to satisfy a natural craving for brain work, just as athletes cannot endure repose on account of their muscular irritability, which insists upon exercise. It is very unlikely that any conjunction of circumstances should supply a stimulus to brain work commensurate with what these men carry in their own constitutions. The action of external stimuli must be uncertain and intermittent, owing to their very nature; the disposition abides. It keeps a man ever employed—now wrestling with his difficulties, now brooding over his immature ideas—and renders him a quick and eager

listener to innumerable, almost inaudible teachings, that others less keenly on the watch, are sure to miss."

The proposition that social advantages without high natural gifts will not enable a man to achieve real eminence Galton supports by an ingenious argument, which I omit in the belief that the fact will not be seriously questioned.

A youth of very great abilities, Galton asserts, is almost independent of ordinary school education. The best care that a master can take of him is to let him alone, just directing a little here and there, and checking desultory tendencies.

"... the most illustrious men have frequently broken loose from the life prescribed by their parents, and followed, careless of cost, the paramount dictation of their own natures; in short, they educate themselves. D'Alembert is a striking instance of this kind of self-reliance. He was a foundling (afterward shown to be well-bred as respects ability), and put out to nurse as a pauper baby to the wife of a poor glazier. The child's indomitable tendency to the higher studies could not be repressed by his foster-mother's ridicule and dissuasion, nor by the taunts of his schoolfellows, nor by the discouragements of his schoolmaster, who was incapable of appreciating him, nor even by the reiterated deep disappointment of finding that his ideas, which he knew to be original, were not novel, but long previously discovered by others."

Moreover,

"A prodigal nature commonly so prolongs the period when a man's receptive faculties are at their keenest, that a faulty education in youth is readily repaired in after life."

This is illustrated by the case of Watt, whose general education was acquired after he was advanced in years, and also by that of Julius Cæsar Scaliger.

"The scholar who, in the eyes of his contemporaries and immediate successors, made one of the greatest reputations, as such, that any man has ever made, was Julius Cæsar Scaliger. His youth was, I believe, entirely unlettered. He was in the army until he was twenty-nine, and then he led a vagrant professional life, trying everything and sticking to nothing. At length he fixed himself upon Greek. His first publications were at the age of forty-seven, and between that time and the period of a somewhat early death,

he earned his remarkable reputation, only exceeded by that of his son."

These observations are to be understood as applying only to literary men and artists, who, however, form the bulk of those that attain to eminence. In the case of statesmen, commanders and demagogues, Galton admits that great weight must be allowed to social advantages and the accident of being born at an opportune time. I need not dwell upon this, however, as I propose to deal chiefly with those careers which he himself looks upon as affording the strongest support to his argument. In conclusion,

"I see no reason to be dissatisfied with the conditions under which I am bound, of accepting high reputation as a very fair test of high ability. . . . I feel convinced that no man can achieve a very high reputation without being gifted with very high abilities; and I trust I have shown reason to believe, that few who possess these very high abilities can fail in achieving eminence."

From these quotations the reader can judge for himself whether it is not a fair description of Galton's theory to say that he holds social and historical conditions to be no more than disturbing forces in the career of genius. They may hasten or retard its success, but on the whole "few who possess very high abilities can fail in achieving eminence." That this is really his position must also be inferred from the fact that in another chapter, which I shall take up later, he estimates the comparative worth of different races on a basis of the number of great men they produce, without any attempt to compare their histories, or take account of their actual state of social development. Exceptions are here and there admitted, as, for instance, where he says that the Negroes in the United States have not had a fair chance to compete with the whites, but as to the general tenor of the book there can, I imagine, be no question.

Now let us first of all inquire what the facts and arguments quoted really show, supposing that we admit their general truth and reasonableness. They show that some men of genius can and do rise from a rather low rank of

life—such as that in which d'Alembert passed his boyhood—and attain celebrity at an early age. This, I think, is nearly all that is shown: at any rate I wish to point out the following deficiencies in the reasoning:

1. It is not proved, or even claimed, except by inference, that there do not exist hindrances, greater than those surmounted by d'Alembert and others cited by Galton, which act as an effectual bar to genius. I shall give reasons for believing that such hindrances do exist, that they are effectual, and that they operate upon a large part of the population.

2. It is not shown, except by questionable *a priori* reasoning, that the ability to surmount ordinary social obstacles, proved to exist in certain cases, can be presumed to exist in men of genius as a class.

3. Finally, and most important omission of all, there is nothing to show that the ripening of genius into fame is not so far a matter of historical development—apart from the question of race—that race can at most be regarded as one of several equally important factors that must unite in the production of distinguished men. If this last be the case it follows that to estimate the worth of races merely by a count of famous men and without a comparison of their history and social organization, is a quite unjustifiable proceeding.

In the discussion that follows I shall give the grounds for my opinion that these omitted propositions not only are not established but cannot be, and that in fact the reverse of each one of them is true.

It does not seem to me that Galton is altogether convincing in the examples he cites to show that genius is superior to social hindrances. What is said of d'Alembert is, of course, true, but it should perhaps be added that his father, although not disclosing himself, recognized the child's natural claims by settling upon him in infancy an annuity of 1200 francs; also that the son was sent to school at four

years of age. A boy brought up by a kind foster-mother, in the principal centre of European culture, and with this income to give him a start, can scarcely be said to have labored under excessive social disadvantages. The case of Julius Cæsar Scaliger would indeed be remarkable if it could be shown that he was entirely illiterate in his youth, commenced the study of medicine at twenty-nine or later, and finally at middle age took up classical learning and became a famous scholar. If this were true it would be the only case I remember to have met with in which a man, grown up in illiteracy, afterward acquired fame as a scholar or a man of letters; and I doubt whether other cases can be produced. Galton's phrase "entirely unlettered" may mean no more than that he had a merely elementary education; but the facts, as gathered from the more accessible books of reference, seem scarcely to sustain the opinion that he was entirely unlettered in any sense. The "Encyclopedia Britannica" says—apparently quoting an account derived from Scaliger himself—

"At the age of twelve he was presented to his kinsman, the emperor Maximilian, and placed by him among his pages. He remained for seventeen years in the service of the emperor, following him in his expeditions through half of Europe, and distinguishing himself no less by personal bravery as a soldier than by military skill as a captain. But he was unmindful neither of letters, in which he had the most eminent scholars of the day as his instructors, nor of art, which he studied with considerable success under Albert Dürer."

It appears, however, that Scaliger's own account of his youth, and the only one which gives details, is regarded as quite untrustworthy. "Chambers' Encyclopedia," Michaud and others agree upon this point. The "American Encyclopedia" says,

"He claimed descent from the Scaligeri (or family Della Scala): sovereign princes of Verona from 1260 to 1367, and asserted that he began his classical and medical studies when he was between thirty and forty years old. This story has been disproved by Scipio Maffei and Tiraboschi. The latter says he was the son of an illuminator of

Venice, a native of Padua, named Benedetto Bordone, and that the son studied at Padua in his youth."

This false account of himself is ascribed to his vanity, which is known to have been extreme. On the whole I think I am justified in counting Scaliger's case out.

Is there, then, any form of social hindrance or disqualification that operates at all widely and effectually to prevent men of natural genius from achieving literary fame? I think there is at least one that has operated very widely and, so far as I can learn, quite effectually, namely, the circumstance of having been brought up without such an elementary education as consists in learning to read and write and having some access to good books.

In none of the cases cited by Galton of those who have attained to literary fame did the man in question fail to receive in his boyhood these simple tools by which all literary activity is carried on. Genius is wonderful, but not miraculous. A little suggestion, a little opportunity will go a great way with it—as Galton justly insists—but something of the sort there must be. A man can hardly fix his ambition upon a literary career when he is perfectly unaware, as millions are, that such a thing as a literary career exists. Between illiteracy and the ability to read a few good books there is all the difference between blindness and sight.

It is true that when reading and writing are generally diffused among the common people and recognized as necessary to any sort of advancement, a bright boy will manage to pick them up even when he has not been educated by his parents. But how recent the times and how few, even now, are the countries of which this can be said! Where whole classes of the people, or whole regions of the country know nothing of these difficult arts, how is a boy to get his start? How get that definite ambition that must go before any great achievement?

My opinion that an untaught childhood is an effectual bar to the development of literary genius does not, however,

rest upon *a priori* arguments. Galton's list, as I have remarked, furnishes no example to the contrary. I have also, with the aid of Nichol's "Tables of European History," prepared a list of about seventy of the most distinguished poets, philosophers and men of letters of Europe, consisting chiefly of those whose names are printed in large capitals by the authors of this work.* Having examined the biographies of these men I find none who did not receive elementary instruction in his boyhood. In the few cases where men of letters have sprung from a class generally illiterate it appears that some special pains has been taken with their education. Thus the father of Burns "was at great pains to give his children a good education," and Bunyan, whose father was a tinker, "a settled and reputable man,"† says in his autobiography, "Notwithstanding the meanness and inconsiderableness of my parents it pleased God to put into their hearts to put me to school, to learn both to read and to write"

The next question is whether this hindrance of illiteracy, which appears to have been effectual, has been felt by a large proportion of the population. Exact information upon this point cannot be had except for recent times, but the following statements are moderate and I have taken some pains to satisfy myself of their truth.‡

Up to within the present century the great mass of the population of Europe, even in Protestant countries, was entirely illiterate. By the great mass I mean all but a rather small per cent, differing in different countries and nowhere precisely ascertainable.§

If we except France and Switzerland, the same is true of southern and eastern Europe at the present time. Spain, Russia and European Turkey are overwhelmingly illiterate.

* I give the list *infra*, page 15.

† Venables' "Life of Bunyan," page 13.

‡ For information and references upon this point I am indebted to the kindness of Prof. B. A. Hinsdale.

§ This was certainly the general fact. There may have been local exceptions.

Italy is prevailingly so, though her condition in this respect is rapidly improving. The same may be said of Greece. In Austria-Hungary more than half of the army recruits are now returned as able to read and write; but we must remember that these are young men who have profited by recent reforms.

In England, where a powerful aristocracy and church establishment seem to have been, on the whole, hostile to the education of the common people, such education has been more backward than in any other large Protestant country.

This latter statement may be verified by referring to a work upon "The Education of the Poor in England and Europe," published in 1846, by Joseph Kay, B.A., of Trinity College, Cambridge. This book, which is largely statistical and descriptive, contains ample evidence that the common people of England were generally illiterate at this comparatively recent date, that the opportunities for their instruction, though greatly improved since 1830, were miserably poor, and that the country was in this respect far behind the more enlightened nations of the continent. The author uses such expressions as these: "Our operatives and agricultural laborers are wholly uneducated."* "However miserable the instruction of the poor may be in the towns, and great mining and manufacturing districts, that of the agricultural laborers is still worse provided for."† "Over great tracts of country there does not at present exist a single school."‡ And concludes his last chapter thus:

"Yes, here, in such a country as this, where the aristocracy is richer and more powerful than that of any other country in the world, the poor are more depressed, more pauperized, more numerous in comparison to the other classes, more irreligious, and very much worse educated than the poor of any other European nation, solely excepting uncivilized Russia and Turkey, enslaved Italy, misgoverned Portugal, and revolutionized Spain."§

* Page xii.

† Page xiv.

‡ Page 338.

§ Page 364.

There are other hindrances arising from social and economic conditions that operate effectually to prevent the development of natural ability. One of these, as I suppose everyone will admit, is underfeeding in childhood, or the subjection of children to premature and stunting labor. No breeder of horses would expect a colt, however excellent his parentage, to develop speed after having been put to the plow when two years old. Yet it is undeniable that something closely analogous happens to a considerable part of the children in countries so advanced as England and the United States. Mr. Galton has himself devised and brought into use methods of measuring large numbers of men which have recently been employed to determine the physical effects of nurture and environment. The most striking of these researches is perhaps the investigation by Spielmann and Jacobs of the comparative measurements of Jews in the East and West Ends of London.* The West End Jews, who are a well-to-do class, did not differ much from Englishmen of the same class. Those from the East End, employed for the most part in sweat-shops upon the manufacture of cheap clothing, averaged more than three inches less in stature, and were inferior also in size of skull and in every particular covered by the measurements. The intellectual deterioration that goes with this cannot well be measured, but that it must exist will hardly be doubted.

In another paper,† dealing with the ability of the Jews as compared with other races, Mr. Jacobs asserts that out of one and a half million of Jews living to fifty "only a little more than half a million can be said to have lived; the rest have but existed, and have been out of the running in the race for fame."

The biographies of men of letters seem to me to afford very small support to the theory that literary genius is

* See their paper on "The Comparative Anthropometry of English Jews" in the *Journal of the Anthropological Institute*, 1890, p. 76.

† *Ibid.*, 1885, p. 351. "The Comparative Distribution of Jewish Ability."

independent of social hindrances. In going over the list already mentioned of seventy of the most distinguished European poets, philosophers and historians, I find that about two-thirds of them belonged by birth to the upper and upper middle classes, using the latter term rather broadly to include clergymen, advocates, well-to-do merchants and the like. Of the remainder nearly all came of the lower middle class, shopkeepers, prosperous handicraftsmen, etc., while the very few men who, like Burns, sprung from the peasantry, prove to have received an education uncommon in their class. It would seem, then, that if we divide mankind into these three classes, the number of famous men produced by each class is in something like inverse proportion to the total number in the class.*

The only escape from these facts, for one who still believes that genius is superior to circumstance, is to assert that the lower classes are naturally as well as socially inferior, and this to such a degree that few or no men of genius are born in them. In our democratic days this will appear to most persons a monstrous supposition, and yet it may be supported by a plausible argument which ought, in fairness, to be stated.

The struggle for the best places in life operates, it may be said, as a sort of natural selection, by the working of which the ablest strains of men are continually finding their

*SEVENTY-ONE FAMOUS EUROPEAN MEN OF LETTERS, ROUGHLY CLASSIFIED
ACCORDING TO BIRTH AND HEREDITARY CIRCUMSTANCES.

Belonging to the Upper and Upper Middle Classes.—Dante, Petrarch, Boccaccio, Chaucer, Ariosto, Montaigne, Spenser, Tasso, Cervantes, Shakespeare, Bacon, Jonson, (?) Descartes, Milton, Cornelle, Hobbes, Pascal, Dryden, Leibnitz, Locke, Addison, Montesquieu, Voltaire, Fielding, Hume, Johnson, Lessing, Gibbon, Cowper, Burke, Goethe, Coleridge, Scott, Landor, Byron, Shelley, Niebuhr, Macaulay, Comte, Hugo, Thackeray, Disraeli, Tennyson, Browning, Ruskin—45.

Belonging to the Lower Middle Class.—Luther, Rabelais, Camoens, Erasmus, J. C. Scaliger, Moliere, Spinoza, Racine, Defoe, Swift, Steele, Pope, A. Smith, Rousseau, Kant, Schiller, Wordsworth, Hegel, Keats, Déranger, Heine, Balzac, Carlyle, Dickens—24.

Belonging to the Lower Class.—Bunyan, Burns—2.

Of course, in the case of many of these men the classification is arbitrary, and probably no two persons would agree precisely upon such a matter. I do not think, though, that any reasonable changes would alter the general result.

way to the top. Even in the most conservative societies there is always more or less penetration of social walls by men and families of uncommon energy. The natural effect of such a process is that hereditary ability becomes concentrated in the upper strata, and little or none is to be found anywhere else. To this might be added the argument already quoted from Galton, that since America, where education is diffused and opportunity open, does not produce more great writers than England, where social distinctions are comparatively fixed, we must conclude that democracy has no tendency to bring to light suppressed genius.

This view has some show of reason, and in fact it may be admitted that, for the cause mentioned, there is probably more unusual ability among the children of the well-to-do classes, in proportion to their number, than there is among those who have not made so good a place for themselves.

But there is no proof that this superiority is very great, and when we see that a few men from the peasantry and the proletariat, having had instruction and opportunities unusual with their class, achieve literary fame, it seems reasonable to infer that if instruction and opportunity had been general the number of such men would have been correspondingly increased.

The argument derived from the United States is pertinent only if we assume that the failure of this country to produce a large number of famous writers cannot be explained by some historical cause, such as the inevitable preoccupation of the people with the material development of the country and its political organization. That it can be so explained is the general and defensible opinion with us, and I shall later offer some observations tending to confirm this view.

Moreover, if we take history as a whole, the proposition that democracy favors the development of genius will appear plausible, to say the least.* Athens and Florence, rich in

*This topic is ably discussed in Bryce's "American Commonwealth," Caps. 107 and 108.

famous men above all other places, were democracies when at the height of their glory, and ceased to be glorious soon after they ceased to be democratic. The great writers of the Augustan age were the product of the later days of the Roman Republic, and the time of Elizabeth was one of freedom and open opportunity compared with the times that preceded and followed it. The history of the Netherlands would also offer striking confirmation of the theory suggested.

Freedom is certainly not the only cause of the appearance of great men, but it appears to be one of the causes, a favoring circumstance which has commonly united with other and more obscure conditions in the production of memorable groups of famous persons. It seems to me that if any conclusion upon this point is to be drawn from history it is the one opposite to that which Galton draws from the case of the United States. And if this fails, what other standing ground is there for the theory that genius is not suppressed by illiteracy and class distinctions?

The question how far genius can be helped or hindered by such differences of wealth and circumstance as are found within the educated classes of peoples as advanced as the English or the American, cannot be precisely determined because we have no way of knowing what a man might have done under different conditions. We cannot know what is in him until it comes out: if genius does not become fame we cannot be sure it was genius. There is no single, definite obstacle which, like illiteracy, is almost invariably efficacious; but what may help one may hinder another. In such a question more weight must be given to probability and the opinion of judicious observers than to anything else. Galton is very clear in his belief that these things do not materially affect the final result, that if a man of genius does not reach fame by one road he will by another. It is possible, however, that he does not do full justice to the considerations opposed to this view.

That poverty, low rank, bad luck and the like are no

effectual bar to energetic men has been a thousand times proved. Indeed there is quite a general impression, borne out by ordinary observation, that men as a rule require a certain amount of opposition and hardship to bring out what there is in them. "To be thrown upon one's own resources," says Franklin, "is to be cast in the very lap of fortune; for our faculties then undergo a development and display an energy, of which they were previously unsusceptible." Human nature, as a rule, is sluggish, needing some sort of external occasion and incitement, and men of genius are not always exceptions to this rule. Galton says of Talleyrand,

"Talleyrand would have passed his life in the same way as other grand seigneurs, if he had not been ejected from his birthright by a family council on account of his deformity, and thrown into the vortex of the French Revolution. The furious excitement of the game overcame his inveterate indolence, and he developed into the foremost man of the period, after Napoleon and Mirabeau."*

I know of no reason to suppose that inveterate indolence is confined to diplomats or statesmen. Thackeray, among modern men of letters, is accused of it, perhaps unjustly, as some who knew him assert. At any rate Trollope says of him,†

"It was his nature to be idle—to put off his work—and then to be angry with himself for putting it off. Ginger was hot in the mouth with him, and all the allurements of the world were strong upon him. To find on Monday morning an excuse why he should not on Monday do Monday's work was, at the time, an inexpressible relief to him, but had become a deep regret—almost a remorse—before the Monday was over."

It is possible that had Thackeray been rich he would never have settled down energetically to literature, but would have continued through life the desultory activities of his youth and early manhood.

I think it is true, however, that most artists and men of letters have the hair-trigger temperament described by Galton and feel almost continually a powerful impulse toward

* *Op. cit.*, p. 46.

† "Life of Thackeray," p. 15.

production. But although this impulse is powerful it may be vague, a mere unrest and discontent; indeed it must be so until it finds its proper use through observation, opportunity and training. If this self-knowledge and wholesome activity are not gained, men of genius are peculiarly apt to sink in dissipation energies that do not readily find a natural outlet. The muscular sensibility of the born athlete, to which Galton likens the promptings of genius, seldom causes him to keep in training except when there is a fight or a race in prospect. At other times he is not unlikely to appease his uncomfortable sensations with drink. In the same way, I believe, genius, especially of the imaginative sort, is liable to run wild unless it finds betimes a harness in which it can work. This is the common impression, and the irregular lives of many gifted men bear it out.

There is a class of men of genius in whom extreme sensitiveness, combined with lack of physical vigor, makes it essential that they should be secluded from the stress and annoyance of bread-winning activities. The case of Darwin, as Professor Ritchie has suggested,* may be cited as one in which, so far as we can see, inherited wealth could not well have been dispensed with.

"Half an hour more or less conversation would make to him the difference of a sleepless night, and of the loss perhaps of half the next day's work."†

After speaking of the routine of his life, in which everything that wealth, retirement and the affection of his family could do, combined to secure regularity, amusement and freedom from disturbance, his son goes on to say,‡

"It is almost impossible, except for those who watched his daily life, to realize how essential to his well-being was the regular routine that I have sketched; and with what pain and difficulty anything beyond it was attempted. Any public appearance, even of the most modest kind, was an effort to him. In 1871, he went to the little

* "Darwinism and Politics," p. 51.

† "Life and Letters of Charles Darwin," Vol. i, p. 101.

‡ *Ibid.*, p. 105.

village church for the wedding of his elder daughter, but he could hardly bear the fatigue of being present through the short service."

A notable instance of good fortune in Darwin's life was his appointment to be naturalist of the *Beagle*, leading him to settle finally upon a scientific career and enabling him to make those observations in which most of his later work was rooted. Just how far his development depended upon this opportunity it would be useless to discuss. It is very possible that he might have collected his material in some other way. In connection with this appointment there is an instance, related in his autobiography, of how great matters may hinge upon small ones.

"Afterward, on becoming very intimate with Fitz-Roy (the captain of the vessel) I heard that I had run a very narrow risk of being rejected, on account of the shape of my nose! He was an ardent disciple of Lavater, and was convinced that he could judge of a man's character by the outline of his features; and he doubted whether any one with my nose could possess sufficient energy and determination for the voyage."*

As this question of the power of education and circumstance to help or hinder genius is largely a matter of opinion, I may be excused for quoting Goethe, whose wide acquaintance with every sort of natural ability and close study of the way in which it develops, make him perhaps the highest authority that can be found. Speaking of the fact that distinguished men, especially poets, are often sickly, he said to Eckermann,†

"The extraordinary performance of these men presupposes a very delicate organization, which makes them susceptible to unusual emotions, and capable of hearing celestial voices. Such an organization, in conflict with the world and the elements, is easily disturbed and injured: and he who does not, like Voltaire, combine with great sensibility an equally uncommon toughness, is easily exposed to perpetual indisposition."

And again, in "*Wilhelm Meister*," ‡

"'But will not a happy natural turn,' said Wilhelm, 'as the first

* *Ibid.*, p. 50.

† Conversation with Eckermann, Dec. 20, 1829.

‡ Book 2, cap. ix.

and last requisite, of itself conduct the player, like every other artist, nay perhaps every other man, to the lofty mark he aims at?

"The first and last, the beginning and the end, it may well be; but in the middle many things will still be wanting to an artist, if instruction, and early instruction too, have not previously made that of him which he was meant to be: and perhaps for the man of genius it is worse in this respect than for the man possessed of only common capabilities; the one may much more easily be misinstructed, and be driven far more violently into false courses than the other."

"But," said Wilhelm, "will not genius save itself, not heal the wounds which itself has inflicted?" "Only to a very small extent and with great difficulty," said the other, "or perhaps not at all."

In estimating the importance of circumstance it should never be forgotten that "a favorable environment" is nothing fixed and definite, like social standing or wealth, but is different for every individual. That measure of struggle and disappointment which is only a wholesome and needed stimulus to one man, may drive another into dissipation, or wear out his body and mind with fruitless annoyance and anxiety. In the same way the wealth that may secure just the needed seclusion and materials for one, may keep another in lifelong indolence.

So much for those differences in education, nurture and opportunity that are found among the people of the same time and nation. Now how is it as between different countries and different times? Can it be shown that there are forces apart from race that cause genius to flourish here and droop there, which at one period foster the germs of greatness in a people until they yield a rich fruitage of accomplishment and fame, and at another wither and chill them into barrenness? Are such things as historical tendency and the spirit of the age sufficiently real and powerful to control the production of famous men?

If the affirmative of these questions can be established, it is clear that the whole plan of estimating the worth of races by their great men and with only incidental reference to their history falls to the ground. Such comparisons can

be defended only upon the theory that race is the paramount factor.

I hope to show that history is quite as important as race in this matter; that while it is a function of race to turn out geniuses, historical forces determine how many of them shall be famous, and of what sort these shall be, that the appearance of great men in the past has been of a sort impossible to reconcile with the theory that such appearance is controlled by race alone.

Let me begin by giving the main argument and conclusions of Galton's chapter on "The Comparative Worth of Different Races."

In discussing this the first question considered is, What are the qualities which are needed in civilized society, and which may, therefore, be used as a test of the worth of races?

"They are, speaking generally, such as will enable a race to supply a large contingent to the various groups of eminent men, of whom I have treated in my several chapters. Without going so far as to say that this very convenient test is perfectly fair, we are at all events justified in making considerable use of it, as I will do, in the estimates I am about to give."

The comparison, then, is to be based upon the number and grade of the eminent men that a race produces, the supposition being that the distribution of ability is similar in all races, so that if the ablest men in a given race are superior in a certain degree to those of another race, the men of medium and low ability will be superior in like degree. It is like the inference of a zoologist, who, having only a single bone of an animal of known species, will compute approximately all the other dimensions.

"I know this cannot be strictly true, for it would be in defiance of analogy if the variability of all races were precisely the same; but, on the other hand, there is good reason to expect that the error introduced by the assumption cannot sensibly affect the off-hand results for which alone I propose to employ it; moreover, the rough data I shall adduce, will go far to show the justice of this expectation."

Upon this basis Galton proceeds to compare the Negro race with the Anglo-Saxon, the Lowland Scotch and the English North-Country men with the ordinary English, and the English with the ancient Athenians.

The Negro race he finds to be about two grades below the Anglo-Saxon. This conclusion is based upon the fact that its greatest men, such as Toussaint l'Ouverture, appear to be at least that much inferior to the greatest men of the rival race, also upon the opinions of travelers who have had to do with African chiefs, and upon the large proportion of half-witted persons found among the blacks.

The Lowland Scotch and the English North-Country men are held to be "decidedly a fraction of a grade superior to the ordinary English," both because they produce more eminent men in proportion to their number, and because the well-being of the masses of the population is greater.

We r ~~om~~ come to the Athenians.

"Of the various Greek sub-races, that of Attica was the ablest, and she was no doubt largely indebted to the following cause for her superiority. Athens opened her arms to immigrants, but not indiscriminately, for her social life was such that none but very able men could take any pleasure in it; on the other hand, she offered attractions such as men of the highest ability and culture could find in no other city. Thus, by a system of partly unconscious selection, she built up a magnificent breed of human animals, which, in the space of one century—viz., between 530 and 430 B. C.—produced the following illustrious persons, fourteen in number:

"Statesmen and Commanders.—Themistocles (mother an alien), Miltiades, Aristides, Cimon (son of Miltiades), Pericles (son of Xanthippus, the victor at Mycale). Literary and Scientific Men.—Thucydides, Socrates, Xenophon, Plato. Poets.—Aeschylus, Sophocles, Euripides, Aristophanes. Sculptor.—Phidias.

The population of Attica at the time she produced these men consisted, it seems, of about 90,000 native free-born persons, 40,000 resident aliens, and a laboring and artisan population of 400,000 slaves. Of these Galton holds that the first-mentioned alone are to be considered, the aliens

and slaves being excluded, doubtless because they did not belong to the Athenian race.

"Now let us attempt to compare the Athenian standard of ability with that of our own race and time. We have no men to put by the side of Socrates and Phidias, because the millions of all Europe, breeding as they have done for the subsequent 2000 years, have never produced their equals. They are therefore two or three grades above our G—they might rank as I or J. But, supposing we do not count them at all, saying that some freak of nature acting at that time may have produced them, what must we say about the rest? Pericles and Plato would rank, I suppose, the one among the greatest of philosophical statesmen, and the other as at least the equal of Lord Bacon. They would, therefore, stand somewhere among our unclassed X, one or two grades above G—let us call them between H and I. All the remainder, the F of the Athenian race—would rank above our G, and equal to or close upon our H. It follows from all this, that the average ability of the Athenian race is on the lowest possible estimate, very nearly two grades higher than our own—that is, about as much as our race is above that of the African Negro. This estimate, which may seem prodigious to some, is confirmed by the quick intelligence and high culture of the Athenian commonalty, before whom literary works were recited, and works of art exhibited, of a far more severe character than could possibly be appreciated by the average of our race, the calibre of whose intellect is easily gauged by a glance at the contents of a railway book-stall."

This argument is so ingenious and the conclusion so startling that I propose to assume for a few moments that the method is sound—that it is practicable to compare peoples so widely different in almost every respect as the English and Athenians upon a basis of the number and grade of their eminent men—and inquire whether it is fairly applied, whether it does, after all, show such a pre-eminence on the part of the Greeks as Galton asserts. The only changes I propose to make are such as in my opinion tend to insure fair play between the contending nations.

As we allow Athens to choose her ground, so to speak, and rest her claims upon the age of Pericles, we ought surely to allow the same privilege to England. The brightest period in her history, having in view the number

of her great men and of the population from which they were drawn, was undoubtedly the age of Elizabeth.

The population of the country at that period is not accurately known, but it appears to have been not greater than four and a half millions. Against this we have in Athens only about 90,000 free citizens, or but two per cent of the number of Englishmen.

I have already given reasons, however, for holding that in questions of fame the illiterate and overburdened poor should be counted out. Now among the free citizens of Athens there was no such class as this; although the government was democratic, so far as concerned those who shared in it, the citizens were really an aristocratic caste, ruling over a vast population of slaves. There were, on the average, four or five of these latter to every man, woman and child of the Athenian population, and even the poorest families had at least one slave to do the lower sorts of manual labor. The education of boys appears to have been nearly universal, and it was not a mere smattering of the elements, enabling the pupil to write his name or spell out laboriously a few paragraphs, but lasted from the age of seven to that of sixteen, and was often followed by more advanced studies. The three main divisions were gymnastics, music and letters, and the course as a whole appears to have been a thorough initiation into the culture of the Athenian people. This culture was, as all will admit, one peculiarly favorable to the development of literary and artistic genius.

I have not been able to find even an estimate of the number of English people that could read and write in the time of Elizabeth; but it was some small percentage of the population. Of course the upper and middle classes were feeling in some measure the general intellectual awakening that followed the revival of learning and the invention of printing, but culture was by no means general in any class and scarcely touched the common people. Froude says in his "Life of Bunyan," "In those days there were no village

schools in England; the education of the poor was an apprenticeship to agriculture or handicraft."

Without pretending to definite knowledge upon the matter I venture to suggest that it is at least a fair question whether more than two per cent of the people of England had such opportunities for culture that they can reasonably be classed, in this respect, with the free-born population of Athens.

Another circumstance in favor of the Athenians is, in my opinion, of almost equal importance. The development of literary and artistic genius is greatly stimulated by facility of access to great centres of culture, where one can come into contact with eminent men and their works, and gain an inspiration more personal and visible than can be gotten from books. It is in capitals, and there only as a rule, that literature and art are organized, communication and sympathy established among men of promise, and an "atmosphere" created.

Upon this point I shall take the liberty of quoting Goethe again. He has discussed the question at length, with his usual sagacity and amplitude of information. Take for instance this concerning Béranger, whom he is contrasting with Schiller.*

"On the other hand, take up Béranger. He is the son of poor parents, the descendant of a poor tailor; at one time a poor printer's apprentice, then placed in some office with a small salary; he has never been to a classical school or university, and yet his songs are so full of mature cultivation, so full of wit and the most refined irony, and there is such artistic perfection and masterly handling of the language, that he is the admiration, not only of France, but of all civilized Europe.

"But imagine this same Béranger—instead of being born in Paris, and brought up in this metropolis of the world—the son of a poor tailor in Jena or Weimar, and let him commence his career, in an equally miserable manner, in such small places, and ask yourself what fruit would have been produced by this same tree, grown in such a soil and in such an atmosphere."

I suppose I need not insist on the fact that as a focus of

*Conversation with Eckermann, May 3, 1827.

intellectual activity the London of Elizabeth bears no comparison to the Athens of Pericles. The Athenians were all, practically, inhabitants of one great town, and any man could meet with any other as often as he liked, while all came in daily contact with the great works of art that crowned the city. London, on the other hand, was hard to reach—how hard one may judge from the famous description of English roads in Macaulay's third chapter—and was not much of a place when you got there. It contained something like 150,000 people, of whom the great majority were ignorant artisans who must be classed, so far as culture is concerned, with the Athenian slaves.

Making due allowance for these things and assuming that the conditions other than race are about equal in the two cases, let us see if England can produce a list of men born within one century, which shall be other than ridiculous when set beside the one that Galton gives us from Athens. I choose the century beginning with 1550.

Athenians.

Themistocles,
Miltiades,
Aristides,
Cimon,
Pericles,
Thucydides,
Socrates,
Xenophon,
Plato,
Aeschylus,
Sophocles,
Euripides,
Aristophanes,
Phidias.

Englishmen.

Cromwell,
Sir Walter Raleigh,
Sir Philip Sidney,
Shakespeare,
Bacon,
Ben Jonson,
Spenser,
Milton,
Bunyan,
Dryden,
Locke,
Hobbes,
Jeremy Taylor,
Sir Isaac Newton.

Opinions will differ regarding these two lists; but few, I imagine, will go so far as to say that the Englishmen are outclassed.

It is not for me to praise Shakespeare, or Milton, or Cromwell, much less to depreciate Phidias or Sophocles.

Some would say that to have produced Shakespeare was alone a sufficient title to greatness for any race, and enough to cast lasting doubt on all comparisons tending to make it appear less than others. Let the reader form his own opinion.

In such questions as these, where there is no definite criterion, we are necessarily more or less controlled by prejudice. In favor of the Englishmen there is the prejudice of race; in favor of the Greeks there is the prejudice of education. The writers of the latter people had a long start; they have been the school-books of Europe emerging from barbarism; they have grown with the growth of culture, and their fame is carried on by irresistible tradition. The fame of Shakespeare is still young, and it is only within the present century that he has come to be generally regarded as the peer of the great classic writers.

Anglo-Saxons of sensibility and culture regard Greek literature and art with an intensity of admiration which might be interpreted as a sense of their own inferiority. I would suggest, however, that this charm which the Greek spirit has for the northern races is the charm of difference rather than that of superiority. It is like the feeling of sex; just as there is something in what is womanly that appeals to men, and something in what is manly that appeals to women, so that which is Greek delights the modern nations without there being any question of greater or less in the matter at all. The Teutonic man, one may say, feels toward the spirit of his own race as toward a brother, but toward the Greek spirit as toward a mistress. This very capacity of admiring, and so assimilating, what is best in a different race is itself, perhaps, a title of greatness.

After all, were the Greeks an abler people than the Anglo-Saxon? Could they have advanced in liberty for a thousand years without falling into disorder? Could they have organized and maintained a commercial empire "greater than the Roman?" Could they have suppressed Napoleon and abolished the slave trade?

Such questions are interesting, perhaps, but quite unanswerable. In the meantime I imagine that most persons who consider the facts dispassionately will agree with me that even if we accept Galton's method of comparison, there is small foundation for his judgment "that the average ability of the Athenian race is, on the lowest possible estimate, very nearly two grades higher than our own—that is, about as much as our race is above that of the African Negro."

But it can be shown, I think, that this method, no matter how carefully we allow for differences of social organization, is still hopelessly fallacious. It can be satisfactorily tested, it seems to me, by examining the historical grouping of the eminent men produced by any one people, with a view to finding out whether they appear with such approximate regularity as would be expected if greatness is a function of race. If one thing is to be the criterion of another it must be shown to bear some reasonably definite relation to it. In Galton's argument it is assumed that we have an equation of two variable quantities, of which one being determined, namely the number of great men, we can determine the other, that is race ability. Now it is demonstrable that there are other unknown quantities entering into this equation which are not determined, and whose presence vitiates the reasoning.

The conspicuous fact that one generation may be rich in famous men and another, a little earlier or later, quite barren of them, does not entirely escape Galton; but he endeavors to account for it, as he apparently must under his theory, by a change in the race itself. Let us see how he does this in the case of the Athenians. In a paragraph already quoted, the rise of this people is explained as follows:

"Athens opened her arms to immigrants, but not indiscriminately, for her social life was such that none but very able men could take any pleasure in it; on the other hand, she offered attrac-

tions such as men of the highest ability and culture could find in no other city. Thus, by a system of partly unconscious selection, she built up a magnificent breed of human animals which . . . produced the following illustrious persons."

Now for the causes of the decline of this breed.

"We know, and may guess something more, of the reason why this marvelously gifted race declined. Social morality grew exceedingly lax; marriage became unfashionable, and was avoided; many of the more ambitious and accomplished women were avowed courtesans, and consequently infertile, and the mothers of the incoming population were of a heterogeneous class. In a small sea-bordered country, where emigration and immigration are constantly going on, and where the manners are as dissolute as were those of Greece in the period of which I speak, the purity of a race would necessarily fail. It can be, therefore, no surprise to us, though it has been a severe misfortune to humanity, that the high Athenian breed decayed and disappeared."

Now is this entirely plausible, or even consistent? Both the rise and the decline of the race are ascribed to the same cause, namely immigration. Certainly, then, some reason should be given for supposing that there was a radical change in the character of the immigration: but no such reason is given. Until something more definite and convincing than this is brought forward we must believe that the natural characteristics of a race are comparatively stable, and that it takes a long time, as a rule, to transform them into something quite different. Believing this we cannot explain the instances of rapid rise and decadence, of which history is full, by saying that they are due to changes in the breed.

To examine this question a little more closely let us look for a few moments at the distribution of famous painters in the country that has been most noted for producing them; since artists are regarded by Galton as affording, along with literary men, the best illustration of the truth of his theory. For convenience, and in order to have something definite to refer to, I shall again make use of Nichol's Tables, already mentioned. Arranging the famous painters of Italy according

to the dates of their birth—omitting two or three unimportant ones whose dates are uncertain—I have the following results:

Previous to the thirteenth century Italy produced no great painters. In the thirteenth century seven were born; in the fourteenth, seven; in the fifteenth, thirty-eight; in the sixteenth, twenty-three, of whom fourteen fall in the first half. In the seventeenth, eighteenth and nineteenth centuries a few scattered painters, none of them of very high merit.

The concentration in the fifteenth century, here apparent, becomes more striking when we examine that century by quarters. Six of the thirty-eight were born in the first quarter, eight in the second, eight in the third, and sixteen in the last. But the real pre-eminence of this period, the real intensity with which the light of fame beats upon this particular point, is very faintly suggested by figures. It will be better appreciated when I say that here, within a period of nine years, were born the three painters generally acknowledged to be the greatest that the world has produced: Titian (1475), Michelangelo (1477), and Raphael (1483).*

Now how can such facts as these be explained on the

* FAMOUS ITALIAN PAINTERS CLASSIFIED ACCORDING TO THEIR TIME OF BIRTH.

[Both the list and the notation indicating the relative excellence of the painters follow Nichol's Tables. Other estimates would differ a good deal but would not alter the general result.]

Twelfth Century.—None.

Thirteenth Century.—Guido da Siena, Margaritone d'Arezzo, CIMABUE, Arnolfo del Cambio, S. Memmi, GIOTTO, Duccio.

Fourteenth Century.—T. Gaddi, ORCAGNA, Justus of Padua, Taddeo Bartoli, S. Aretino, Lippo Dalmasio, FRA ANGELICO.

Fifteenth Century.—First Quarter.—Masaccio, FILIPPO LIPPI, Roselli, P. della Francesca, Gozzoli, Alberti.

Second Quarter.—GHIRLANDAIO, Pollaiuolo, G. BELLINI, Mantegna, Benvenuto da Siena, PERUGINO, BOTTICELLI, Signorelli.

Third Quarter.—Filippino Lippi, Bonsignori, Crivelli, FRANCA, Pinturicchio, LEONARDO DA VINCI, L. di Credi, Luini.

Fourth Quarter.—Fra Bartolommeo, GIORGIONE, Marziale, RAPHAEL, L. Lotto, Palma Vecchio, Beccafumi, SODOMA, MICHELANGELO, S. DEL PIOMBO, A. DEL SARTO, CORREGGIO, TITIAN, Dossi, Garofalo, G. Romano.

Sixteenth Century.—First Half.—Parmigiano, Bordone, Bronzino, D. da Volterra,

theory that greatness is a comparatively constant function of race? Can it be supposed that by some occult action of the laws of selection the Italian people rapidly increased in natural ability of an artistic sort up to 1500, and then as rapidly declined? If not, if such variations as these are observed in the same race, how can the number of eminent men produced be taken as a test of race ability?

The odds against this remarkable grouping being due to mere chance would be so great that no one, I suppose, would venture to attribute it to that, though I should be inclined to admit that the birth of the three transcendent artists within so very short a period as nine years was partly fortuitous.

Nor can it be said that genius, such as these painters possessed, found some other path to fame in the periods preceding and succeeding the great time of art. On the contrary the time when there were famous artists in Italy was also the time, roughly speaking, when there were great men of letters and great statesmen, and in the age succeeding all sorts of genius were obscured.

A study of Dutch and Flemish painters would lead to results essentially similar. Nearly all the great ones were born in the period 1550-1650.

To explain facts like these, and analogous ones that can be traced in the history of literature by any one who will take the trouble, we must suppose one of two things: first, that the natural ability of races undergoes rapid changes in degree and kind, owing to the action of forces as yet unknown; or, second, that the appearance of famous men is dependent upon conditions other than race.

The second conclusion is so much simpler and agrees so much better with known facts, that I imagine few will

Salviati, Vasari, G. Mantuano, TINTORETTO, T. Zuccherò, Bassano, A. Schiavone, P. VERONESE, Baroccio, Manzuoli.

Second Half.—The three Caracci, Carduccio, Caravaggio, G. RENI, Allori, Domenichino, GUERCINO.

Seventeenth Century.—SALVATOR ROSA, born in 1615, is the last Italian painter of great reputation.

embrace the first. And if we accept the second we must also, I think, conclude that able races produce at all times a considerable number and variety of men of genius of whom only a few encounter those favorable conditions that enable them to achieve fame.

To make perfectly clear the grounds of this last inference let me suggest a comparison. Suppose one were following a river through a valley, and from time to time measuring its breadth, depth and current with a view to finding out how much water passed through its channel. Suppose he found that while in some places the river flowed with a swift and ample current, in others it dwindled to a mere brook and even disappeared altogether, only to break out in full volume lower down. Would he not be led to conclude that where little or no water appeared upon the surface the bulk of it must find its way through underground channels, or percolate invisibly through the sand? Would not this supposition amount almost to a certainty if it could be shown that the nature of the rock was such as to make the existence of underground channels extremely probable, and if in some cases they were positively known to exist? I do not see that the inference is any less inevitable in the case before us. We know that a race has once produced a large amount of natural genius in a short time, just as we know that the river has a large volume in some places. We see, also, that the number of eminent men seems to dwindle and disappear; but we have good reason to think that social conditions can cause genius to remain hidden, just as we have good reason to think that a river may find its way through an underground channel. Must we not conclude, in the one case as in the other, that what is not seen does not cease to be, that genius is present though fame is not?

There are reasons for believing that even where our river seems fullest a great part of its flow is underground. In the age of Elizabeth, for instance, there was a complete lack of those masters of painting and sculpture who made

the chief glory of the age of Lorenzo de Medici. Yet later history has shown that the English people are by no means lacking in this sort of genius. The inference is that it was present but undeveloped.

The fact that genius can develop into greatness at some times and cannot at others is by no means inscrutable. The reasons for it can be indicated in a general way, though they are so complex that it is difficult to point out their precise application to various periods of history.

In the case of painting, for instance, it is easy to show that a number of conditions other than natural ability must concur before excellence can exist. Among those generally recognized as essential to great art of any kind are the three following:

First, a perfect technique, achieved by the accumulated experience of many generations, and kept alive and promulgated by a succession of masters. This technique cannot be learned from books or by looking at finished pictures. "Studio traditions are to be acquired only in the studio." * It calls for personal contact and a long training that begins in childhood. In order that this training may be had it seems important that art should rest upon art-handicrafts, which maintain a large number of skilled craftsmen, of whom the most gifted become great artists. In the fifteenth century painting was a great art largely because it was a recognized and flourishing trade, and because the kindred trade of goldsmithing also flourished. The great painters and sculptors were first of all craftsmen. They were apprenticed when eight or ten years old, and for a long time were contented to watch their master and copy his methods as closely as possible. So general was this and so close the imitation that it is frequently impossible to distinguish the work of a master from that of his pupils.

* W. J. Stillman.

Lombroso, "The Man of Genius," English Translation, p. 153, notes that "the establishment of a school of painting, even when it is the result of an importation, makes an artistic centre of a place which was not so previously."

The greatest painters grew up in these traditions, and spent their youth in imitation. Raphael was a pupil of Perugino, Perugino of Verocchio, he of Donatello, and so on. Mr. Stillman says* that Raphael "had an extraordinary and, so far as we can judge by the history of painting, unique power of absorbing the ideas and feelings of other men. He caught the color of every great artist he approached."

A second indispensable condition is an "art-atmosphere," a general and unaffected interest in the creation of beauty, and the appreciation of the good to which that interest naturally leads. This art-atmosphere is itself a social product, and usually grows with the growth of art, in part its cause and in part its effect. Little can be done in any line of work without appreciation, sympathy, friendly criticism; and artists and poets, being extremely sensitive, can least of all do without these. They all agree, I believe, that no headway can be made without an "atmosphere," and, where people in general are cold, artists flock together and try to keep one another as warm as possible.

Thirdly, I believe that no very great art has been produced except where there was an aspiring and successful general life, furnishing symbols that spoke to a common enthusiasm. Stimulated by this enthusiasm art raises these symbols to the highest types of beauty. The general life and the symbols which stand for it, may be religious, as with most of the earlier mediæval painters, or they may be political, or a union of the political with the religious, as was, I believe, the case with much of the greatest art of Athens and Venice. The art which separates itself from great ideas and general feelings, which aims solely at sensuous effects, is usually felt to fall short of art's highest functions.

I do not say that these are all the essential conditions of great art, but they seem to be essential, and that they are so helps one to understand the fact, already shown, that the

* "Old Italian Masters," p. 228.

development of artistic genius is dependent upon historical tendencies and the spirit of the time. A complete philosophy of art, showing just what the favoring conditions are and how they arise, has yet to be written.

How present conditions in the United States bear upon the development of artistic genius may be gathered from the statement of an American painter of acknowledged eminence, Mr. F. D. Millet.*

"The brief chapters in the career of an American artist may be summarized as follows: He spends the most impressionable years of his life between studying in an art school and some occupation which gives him fair promise of sufficient recompense to enable him to pursue his studies abroad. He enters an art school in a foreign capital, and proves that with all the disadvantages of his early education he can take rank with any student in any branch of the profession. After his student days are over he has to decide the question whether to expatriate himself and lead a congenial life in the stimulating atmosphere of professional sympathy and support, or to return home and add his efforts to the sum of individual endeavors directed with rare devotion and self-sacrifice toward the development of artistic talent in his native country. If he chooses the former course, he may and often does become known to fame and fortune; if he selects the latter and nobler career, his life becomes a round of teaching, struggles with sordid conditions of professional life, and the wearing and soul-killing battle with lack of appreciation and encouragement, not to say distrust."

"If in the whirl of commercial prosperity, and all the distractions of active and ultra-modern life and the accompanying unrest which is death to artistic production, we find a constantly increasing number of serious artists, what may we not expect when the luxury of leisure is possible in this country!"

There is, then, reason to believe that it is not native incapacity that retards the rise of art in this country, but sheer ignorance and lack of interest resulting from generations of one-sided development.

Since Galton includes distinguished oarsmen among his men of genius, I may be allowed at this point, to draw a comparison from the game of base-ball. It is as difficult for

* "The United States of America," edited by N. S. Shaler, Vol. ii, pp. 415, 430.

an American brought up in the western part of our country to become a good painter as it is for a Parisian to become a good base-ball player, and for similar reasons. Base-ball is a social institution with us; every vacant lot is a school, every boy an aspirant for success. The technique of the game is acquired in childhood, and every appearance of talent meets with enthusiastic appreciation. Hence we have many good players and a few great ones. Now it is probable that Frenchmen are from time to time born with a genius for this game, but how can it be developed? What chance do they have to achieve excellence or acquire fame? They probably remain in lifelong ignorance of their own possibilities. If the ambition did arise in one of them it would probably come too late for him to make up the lack of early training.

This somewhat humble illustration is believed to be well worthy of consideration by those who imagine that a social career can be independent of circumstances and the spirit of the time.

The principles that apply to painting hold good, *mutatis mutandis*, in other social careers. The dependence upon conditions other than race, the concentration of certain kinds of greatness at certain epochs, exist in all the arts and in literature. The concentration of English dramatists toward the end of the sixteenth century is as conspicuous as that of the Italian painters a century earlier. Shakespeare, Beaumont, Fletcher, Ford, Webster, Massinger and Jonson were born within a period of twenty-three years, while in the centuries since then England has produced only one or two dramatists comparable with the least of these. A similar grouping may be observed in the earlier group of American men of letters. Professor McMaster, in his history, speaks of it as follows:*

"The men whose writings now form our national literature, the men we are accustomed to revere as intellectual patriarchs, all whose

* Vol. I, p. 76.

works have become classics, belong, without exception, to the generation which followed the Revolution. Irving was not a year old when peace was declared. Cooper was born in the same year Washington went into office. Halleck, one year later. Prescott, in the year Washington came out of office. The constitution was five years old when Bryant was born. The first year of the present century witnessed the birth of Bancroft, and, before another decade had come and gone, Emerson was born, and Willis, and Longfellow, and Whittier, and Holmes, and Hawthorne, and Poe. . . . Scarcely a twelvemonth went by unmarked by the birth of a man long since renowned in the domain of letters—1783, 1789, 1790, 1791, 1794, 1795, 1796, 1800, 1803, 1806, 1807, 1808, 1809, 1811, 1814, such is the almost unbroken succession."

I find, however, that grouping is not so conspicuous in literature as it is in art; and in science it is not at all obvious. Since the Reformation there has been a tolerably regular and constant advance of verifiable knowledge, in which all civilized nations have participated. Though it is no doubt true, as Galton points out, that the fame of a man of science is likely to rest upon some striking discovery which might easily have been made by some one else—since the time had arrived when it could not long be postponed—yet I am not sure but scientific genius is, after all, more independent in its development than any other. If so it is because science, as a social institution, is farther-reaching, and more accessible to those fitted to share in it, than is any other institution. Since the invention of printing and the consequent diffusion of books, the scientific men of all nations have formed a single co-operating group, enabled to co-operate by the facility of communication and by the exact and verifiable character of their work. To the man with a natural turn for it, science, and the inspiration to pursue science, are communicable through books and correspondence. There is no "local color" in science; the "atmosphere" is as essential as it is in art, but it is purely intellectual, and depends relatively little upon personal contact. Compared with the artist the man of science is cold, and can carry on his pursuits with but little emotional

support from his immediate surroundings. Letters, journals, and the notice of his work by others in the same line of research suffice for him.

Literature has some of these characteristics, but not others. It has a great advantage over painting and sculpture in that it is capable of cheap diffusion through printing. It is for this reason, apparently, that literature arises earlier in a new country than do the other arts. Painting and sculpture cannot well be learned except through intercourse with a master, nor is it possible adequately to reproduce great works and disseminate them over the earth. Accordingly it may happen, as is the case over the greater part of the United States, that no conception of these arts exists except a vague and false one derived from reading and from familiarity with cheap mechanical reproductions. The arts of illustrating and engraving, however, precisely because their products are easily disseminated, are in a comparatively flourishing state and are doing much to arouse an art-sense among us. As compared with scientists, men of letters have probably more need of the emotional stimulus and support that come by personal contact. The passionate desire of young men of letters to see and know the heroes of their craft is depicted in many autobiographies. I suppose that when Mr. Howells went to Boston and saw Lowell and Dr. Holmes for the first time it meant more to him than a like experience would have meant to a young chemist or mathematician.

In the matter of propagation in a new country sculpture and painting may be compared to heavy-seeded trees, like oaks and walnuts, which, because of the difficulty with which they are sown, make their way slowly into a region where the species is not already established. Literature and science, for the reasons just given, are comparatively light-seeded, furnished like thistledown with facilities for transportation, and so spread very rapidly where the conditions are favorable for their growth.

These, however, are details which have little to do with

the general question under consideration. The main fact is that great success in any career calls for two things: natural ability, and a social mechanism to make this effective. Genius can reach high, as a rule, only when it stands on top of a culminating institution. When one looks off at the horizon of a rolling landscape he will notice two or three trees that seem to overtop all others. They seem to do so partly because they are really tall trees, and partly because they stand near the summit of the highest visible ridge. There may be higher trees in the valley—probably there are many equally high—but these do not appear. It is quite the same with men. The age of Elizabeth and the age of Lorenzo de Medici were, so to speak, natural elevations in the histories of England and Italy, resting upon which it was easy for genius to attain fame. I do not mean that they were superior, on the whole, to our own time, but they were more favorable to the development of certain sorts of ability. Individual faculty is real and powerful, and there is no greatness without it, but no man is tall enough to stand upright and fixed in the stream of history. He can at most swim a few strokes against or across it. "Who can separate his ship from the waves on which it is floating?"

I trust I have made clear my reasons for thinking that estimates of the worth of races based upon the number and grade of the eminent men they produce, have no scientific justification unless it be possible to eliminate those social conditions that have quite as much to do with the matter as race. That such elimination is usually impossible, I suppose all will admit. To show, in a general way, the power of historical forces is easy, but to take exact account of them, to predict their future operation, to show just how they differ in different times and countries, and how much must be allowed for that difference, is, in the present state of historical science, quite out of the question. If, however, cases can be found where two races mingle and compete in the same social order, and under conditions substantially

the same, a valuable comparison might perhaps be made. Are there any such cases?

The negroes and the whites in the United States could not be so compared, as Galton justly remarks. Neither, for similar reasons, would it be possible to compare the older English stock of the same country with recent immigrants of other races. Perhaps no cases can be found in which the use of the method is more defensible than in the comparison of the ordinary English with the Scotch and the North-Country men, suggested by Galton, and the comparison between the Jews and other races carried out by Mr. Jacobs in the paper published by the Anthropological Institute.*

The question here is whether the peoples mentioned are really on an equality in respects other than race. It is commonly reported that the standard of education and individual freedom among the Lowland Scotch is considerably higher than it is in England. Galton says as much, and contrasts the well-being of the northern peasantry with "the draggled, drudged, mean look of the mass of individuals, especially of the women, that one meets in the streets of London and other purely English towns." Now to assume that this degradation is due to inferiority of race seems to me to be a begging of the whole question. Before doing that it should be shown that nurture and social conditions cannot thus degrade the members of a good race. I do not think it is possible to show this, and I would cite the comparison of East and West End Jews, already referred to, as indicating the contrary.†

If the comparison between English and Scotch were made at the time of Elizabeth it would seem to show that the English were a far superior race at that period, since Scotland was then conspicuously lacking in distinguished men.‡

* *Journal*, Vol. xv, p. 351.

† I could cite abundant evidence on this point, but do not suppose that it is necessary.

‡ Lombroso, "The Man of Genius," English Translation, p. 154, makes a similar remark, ascribing the former deficiency of Scotch genius to religious intolerance.

If this lack was due to the backwardness of social development, how can we assume that the present apparent superiority of Scotland is not likewise due to social conditions, instead of to race? The men of the north may be "a fraction of a grade superior," but, if so, the fact needs further proof.

The author of the paper upon the ability of the Jews ascribes a great deal to their social conditions, which still differ much from those of the races with whom they mingle. Thus he explains their musical pre-eminence partly by "the home character of their religion, which necessarily makes music a part of every Jewish home." Again, "Persecution, when not too severe, has probably aided in bringing out their best powers; to a high-spirited race, persecution, when there is hope of overcoming it, is a spur to action."

Such comparisons, when made with as much thoroughness and caution as this one, are certainly interesting and valuable; and if they do not arrive at precise results they are no worse off in this respect than most social investigations.

On the whole it seems to me that the relation between genius and fame is fairly well represented by the comparison, suggested at the outset, of a farmer sowing mixed seeds in a furrow which traverses a great variety of ground. Here many come up and flourish, there none, and there again only those of a certain sort. The seed-bag is the race, the soil historical conditions other than race, the seeds genius, and the crop fame.

It is true that knowing so little as we do of the forces governing heredity and degeneration, we cannot be sure that the seeds are sown with anything like uniformity, that the amount of natural ability produced from a given stock is approximately constant. But this is certainly the simplest supposition, and it would seem reasonable to accept it until the contrary is shown.

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SILVER IN CHINA:

AND ITS RELATION TO CHINESE COPPER COINAGE.

China for twenty years past has occupied a place in currency discussion, not unlike that which the Middle Kingdom held in the controversies on polity and society in the eighteenth century. Whenever the recorded facts of the West do not square with some pet theory, the assertion is made that in China it is all quite different. Various political and domestic theories which worked but lamely in Europe, were asserted by the pamphleteers of a century or more ago, to fit the facts in China, a land of peace, contentment and universal obedience to authority. To-day, while silver may fluctuate in the West, the assertion is perpetually made that in the unbroken calm of China, by one of those familiar suspensions of inexorable law perpetually reported at a convenient distance of time or place, silver maintains a fixed, an unchanged and an unalterable value.

The relative value of gold and silver has exhibited in China the same steady and regular depreciation of silver as measured in gold, as in the Western world, with the difference that the change from 4 of silver to 1 of gold, to 15 and then to 30 of silver to 1 of gold, which has taken thirty centuries in the West, has taken but five in China. The same change has taken place, but it has been more rapid.

In the beginning of the Ming Dynasty, A. D. 1368, as Rev. Peter Hoang, a Chinese priest of the Kiangsu Mission, asserts, 4 ounces of silver were then equal to 1 ounce of gold.* Neither China nor the West had then felt the influence of the discovery of America. In 1574, the import of silver had become so large that 7 or 8 ounces of silver had the value of 1 ounce of gold. At the end of the

* *North China Herald*, August 29, 1890. "The History of Silver in China."

Ming Dynasty, whose porcelain is among the greater glories of the ceramic art, gold, by 1635, had become ten times as valuable as silver. In the time of Kanghi (1662-1723), more than ten ounces of silver went to an ounce of gold. Under Chien-lung (1736-1796), it became much cheaper, 20 ounces exchanged for an ounce of gold. A recovery followed, and in 1840, silver was eighteen times cheaper than gold. With the opening of trade in this decade, silver rose to fourteen times the value of gold, and maintained for twenty years, a nearly even value. The Chinese Government in keeping the accounts of its gold mine operations still used, as late as 1890, a ratio of 13.6.* This is not the only instance in which a government has adhered to an antiquated ratio.

In 1873, according to Mr. W. S. Wetmore's statement when publishing his index numbers,† gold was at a ratio of 16.2 in 1866, at Shanghai, or 162 taels of silver per bar of standard weight (10 taels) from which it rose in March, 1893, to 261 taels or about 60 per cent. It has since appreciated, in regular proportion, with its advance in the West. In the interior provinces of China, it was, however, undervalued, ratios altering but slowly when the index number as it moves is subject to the friction of a dirt-road, and travel at the rate of three miles an hour over an area as large as the United States, east of the Mississippi.

* *Peking Gazette*, October 13, 1890. (Translation in *North China Herald*, November 7, 1890.) Referring to his memorial of August 6th, last, on the subject of the gold mines at Sansing, which were to be worked experimentally for a short time, the Military Governor of Kirin reports that the term fixed having now expired, all the miners have been discharged, and the mine closed in order to prevent its being illicitly worked. During the period of over two months for which the experimental working of the mine has been carried on, the government royalty has amounted to 6443.25 taels weight of gold. Fifty ounces were sent to the Board of Admiralty and ten to the Superintendent of Trade for the Northern Ports for assay. Sundry expenses absorbed Tls. 1767.266, equivalent to 1298.24 ounces of gold, leaving a balance of 4550.01 taels of gold available for working the mine on some future occasion.

† *Coinage Laws of the United States*, Washington, 1894, p. 463, and *North China Herald*, May 12, 1893.

Many abnormal characteristics in the history of Chinese currency during the last 2500 years, as compared with the development of the currency system of the West, really turn upon the circumstance that this large, homogeneous and uniform population spread over an area which from the earliest times, however divided by political boundaries, has been essentially one, was without a free supply of the precious metals for the first thousand years of its historical existence. The accepted use of silver as money, began in China barely a thousand years ago. The recorded history of China is continuous for more than twice this period. Its semi-mythical history begins at least a thousand years earlier.

Before the Tang Dynasty* (620-907 A. D.), copper cash, if Chinese histories are to be trusted, was the exclusive monetary means of exchange, though silver had been introduced in South China, Kwang-tung and Kuangsi. A century earlier (500 A. D.) gold and silver were in circulation about Canton, though copper cash was little in use in the interior, and in the North, copper cash and grain were employed as a double medium of exchange. Silver began as a currency in South China when Chinese prefects were sent regularly to rule in Cochin China and Cambodian cities. Tribute and commerce from these regions brought silver to China, as it was produced abundantly in Burmah and was a familiar circulating medium in India. Meanwhile, there came that expansion in Arab trade prior to Islam, which was the first sign of the approaching activity of the Arab race. Holding all the southern waters of Asia, and carrying on a continuous commerce from the Red Sea and the Euphrates to the Hoang-Ho, these merchants began the steady movement of silver to China which has been ever since the characteristic of trade between the West and the East. Arab merchants first appeared in Chinese history

* "The Origin of the Paper Currency (ch'ao) of China," by Shioda Saburo, Japanese Minister to China. *Journal Peking Oriental Society*, 1889, Vol. ii, cap. iv, p. 265.

during the Han Dynasty (206 B. C.-25 A. D.), and their influence in commerce steadily grew through many centuries.

It was not until 1035, that silver was first recognized as legal tender for the payment of taxes in a decree under the Sung Dynasty (960-1127 A. D.), which provided that the provinces of the empire should not in future be expected to pay taxes in the same form. Fukien, Kwang-tung and Kuangsi might send silver, and Chekiang could contribute silk, while most portions of the empire could pay in copper cash, as many, perhaps most of the Chinese provinces do still. During the period Chêng Ta, under the Emperor Ai Tsung (1225 A. D.) silver became a general medium of exchange and this marks the beginning of its full use.

As silver leached into the south of China through the land trade with the Indo-Chinese Peninsula via Yünnan, and the adventures of Arab navigators, it gradually spread over the empire. But during the four to six hundred years in which this was in progress, there were constant diversities in the circulating medium of China. As early as A. D. 500, silver was circulating by weight in Canton. It is noted in 800, in the memorial to the Emperor, by the author Han Wen-Kung, that the Mei-ling Mountains on the north of Kuang-tung separated the belt of country which traded in silver by weight, from the belt which traded only in copper coins. In the interior, in Szechuan, salt and pieces of silver were used as money, while cinnabar and quicksilver played this part in Kuangsi.

From the time when the government first recognized the payment of taxes in silver, 862 years ago, to the present time, silver has been steadily spreading over China, gradually decreasing in value as measured by gold and going through changes in regard to which it is necessary to speak with great caution, because the recorded incidents probably relate to single places and provinces, different ratios existing elsewhere. Silver has at last reached on the eastern coast a

tolerably complete parity with the European ratio. These changes have been accompanied by a decrease in the purchasing power of both metals. There is no possible doubt that when copper cash was used in the first century of our era, the ratio which its intrinsic value bore to the ordinary commodities of life, was much greater than it is to-day. In short, exactly as silver has become too cumbrous for use in Western exchange, so in a country of slower development, copper almost within our own time has become too cumbrous for Chinese usage, and has been or is being replaced by silver.

Let it not be forgotten in considering these rapid changes in silver as measured in gold, or gold as measured in silver, that while China produces relatively little silver, it has from immemorial times produced gold. Chinamen in California make a living on the tailings of placer workings to which no American will devote his labor. At home, where their labor is still cheaper, they work river washings which no civilized nation could touch. Mr. R. Pumpelly* prints a list of fifty-two places where gold is found. It is worked in Shensi, Kothien and Tibet.† "The Red Book," ‡ a Chinese topographical work, mentions gold at Ning-yuen-Fu, in that part of Szechuan which borders on Yünnan. Lienchow in Kuang-tung also produced some gold in the legendary past, a fact jealously remembered because it is a sign of good luck. Mr. Pumpelly mentions sixty-three localities where silver is produced. The chief product is in Yünnan, and Baron F. von Richtofen expresses the opinion that Chinese native silver came for the most part from this province or from Weining Chow in Kweichow, silver mining in which was prohibited in 808, as of no practical value, for the use of the people, though copper is mentioned in the decree as currency.

* R. Pumpelly, "Geological Researches in China," Cap. x.

† Williams' "Middle Kingdom," 1883, Vol. i, pp. 151, 230 and 244.

‡ *North China Herald*, July 25, 1890.

Silver is also found * in Shun-te, Schaochou Fu, Hweichou and Ch'aochou in Kuang-tung. The Chinese authority already cited, names Sinchou and Pingto Fu in Kuangsi, as producing silver, and records that silver is found on the upper course of the Wei river in Kansu and on the Li river which flows from the west into the Tung-ting lake. All these, judging from Chinese histories, yielded small quantities of silver. It was not until 1225, that silver became sufficiently plentiful in North China to displace the paper money of the Golden Tartars.† Of the old silver used in China before the discovery of America, probably four-fifths came from Western Asia, and of the new silver entering China since, an equally large share has been imported from abroad. Much has been brought by English traders via India, the first of whom representing the New East India Company, opened, in 1700, an English factory at Chusan, with a capital of three lacs of taels in silver. The steady import of silver into China since then scarcely needs mention. The facts as to the native product sufficiently indicate an early supply of gold, on a scale relatively larger than that of silver, and a steady increase from the world's sources of the latter metal. The relative value of the two passing through familiar changes under laws which make silver as unstable in China as anywhere else,—with this difference that local prices change slowly in lands of cheap labor, poor transport and sparse credit facilities.

Gold has never been coined in China, though it circulates in ten ounce bars of a convenient size and shape.‡ Silver has only been coined in the present century. It was previously used in a fixed weight or "tael" as a measure of deferred values and interprovincial and international

* *North China Herald*, July 25, 1890.

† *Ching Shih Wen.*, cap. 49, p. 6, quoted in *North China Herald*, July 25, 1890.

‡ "Middle Kingdom," 1883, Vol. ii, p. 84: Gold bullion is cast into bars like cakes of India ink in shape, weighing about ten taels, or hammered into thick leaves which can be examined but not separated, by driving a punch through a pile of a hundred or more—a precaution against cheating.

exchanges. For two centuries, Mexican and other dollars have circulated on the coast and passed into the interior; but they are in general soon reduced to bar or sycee silver. The local and national currency of China is composed of copper cash. This is the only native coin,* composed of an alloy of copper, 50; zinc, $41\frac{1}{2}$; lead, $6\frac{1}{2}$; and tin, 2, or of equal parts of copper and zinc. Each piece should weigh 58 grains troy, or 3.78 grammes; but most of those which are in circulation do not weigh over 30 grains. It is no unusual thing to find still current, cash of early Chinese dynasties. The present ratio of composition seems to be nearly equal parts of copper and lead,† but this is not always the rate given.‡ On the coast, the copper and lead is brought from abroad, duty being remitted.§ In the interior, provincial mints obtain their copper by remittances to the imperial copper mines in Yünnan.|| The regulation of the value of

* *Ibid.*, p. 83.

† *Peking Gazette*, October 8, 1887 (5). (Translated in *North China Herald*, October 27.) The Taotal and arsenal authorities permitted to retain Tls. 80,000, to coin 100,000 strings of cash (each 1000). Later 200,000 catties of Japanese copper and an equal quantity of English lead, were bought to coin 50,000 strings of cash by the Financial Commissioner at Poo Ting Fu. (This is at the rate of 800 to the tael.)

Note by the author: Taking the catty at $1\frac{1}{4}$ pounds, and the avoirdupois pound at 7000 grains, this last purchase would make the cash weigh 74.66 grains; or 95.36 grains to the pound. At 800 cash to the tael, this would make 4.266 pounds each of copper and lead to the tael. At the market price ruling in 1887 for copper and lead, this would make the intrinsic value of the metal in 800 cash seem less than the intrinsic value of the tael in the same year.

‡ *Peking Gazette*, June 1, 1892. (Translated in *North China Herald*, July 1, 1892.) The Governor of Shensi states that orders to coin copper cash having been received from Peking, his predecessor set apart Tls. 30,000 from the Likin receipts and sent an officer with it to Shanghai to buy foreign copper and spelter. The Memorialist therefore proposes to resume casting operations. According to the old rules, which indeed worked very satisfactorily, the cash were made of 60 per cent of copper and 40 per cent of spelter, one fourth of the copper being taken from the Chenan mines. As now the supply from the latter source is the larger of the two, and as with the improved skill of the smelters its quality has become much better than before, it is proposed to use five-sixths of this and one-sixth of the foreign article. This change will make no difference in the coins and will effect a considerable economy.

§ *Peking Gazette*, July 7, 1887. (Translated in *North China Herald*, July 22, 1887.) Imperial rescript permitting import, free of duty, of Japanese copper.

|| *Peking Gazette*, November 8, 1887 (2) (Translated in *North China Herald*, November 30.) T'ang Chiung, director of mines in Yünnan, reports the receipt of

cash, its mintage, often suspended for years, and its abundance or scarcity, is a constant topic, in the *Peking Gazette*, of viceregal memorials and imperial rescripts, the usual Chinese conservatism being displayed and the usual difficulties incident to fluctuation in the intrinsic value of a metallic currency being encountered.* So far from enjoying a condition of blissful calm as to its standards of value, silver, cash and paper, I have seen as many and as constant references to their fluctuating relation in the ten years in which I have read the *Peking Gazette*, as in the thirty in which I have read American newspapers, and due to a like cause, the fall in silver.†

Cash, the flat oval piece with a hole in the centre, already noted, is the one domestic currency in China. All retail purchases are made with it, all labor wages are paid in it and all the ordinary transactions of life are conducted by its use. It is divided to infinitesimal fractions, unknown to European exchanges. Twelve cash are in value equal to about one cent. In Shanghai the hot water shops go down to a half cash and even a quarter cash in their transactions, or about one-fiftieth of a cent.‡ This copper currency has been subject to the changes which attend every metallic currency. When the imperial mints were closed in the Tai-Ping rebellion, cash grew relatively dear and they did not begin to be coined freely until the suppression of the Mohammedan rebellion in Yünnan opened its copper mines. Peking had ten years ago, a monetary disturbance in the effort to replace depreciated cash by new and the provinces of Hukuang and Hupeh suffered the collapse of a paper

Tls. 63,676, "Mining Capital," contributed from the revenues of the Provinces of Kuang-tung, Kiangsi and Szechuen. At present only 200,000 catties have been obtained of the first instalment of the eighth lot of copper.

* See Appendices A, B and C.

† *North China Herald*, May 22, 1896. At present a great need of China in all her large cities is an increase of copper coins. The treasurer of each province finds it necessary to face a great financial difficulty, and to meet it by a new coinage. The trouble is caused by a fall in the copper cash value of silver. Dollars are changed for at least 10 per cent less than they were a year ago.

‡ *North China Herald*, May 6, 1887.

bank-note currency based on cash, and its authorities set about the work of supplying a new metallic cash currency.* Instances of this character could be multiplied indefinitely from the *Peking Gazette*. They began to be felt most seriously in 1887, when silver, the common measure of interprovincial and international values, began to fall and they have continued with increasing stringency ever since.

Chinese retail prices, of whose steadiness as measured in silver, in that blessed haven of arrested monetary laws, we have heard so much in the last ten or twenty years, are really measured in *cash*. The value of cash in silver becomes, therefore, of interest, for whatever of steadiness silver has in regulating retail prices in China, rests on its convertibility into cash. The character and rapidity of these fluctuations can be best estimated by the fact that Chinese cities have had, certainly for forty years,† and probably for centuries, exchanges in which silver futures are regularly bought and sold under all the concomitants of speculation in gold in this country during our war, a time when certainly no one would have spoken of gold as an unvarying standard of retail value in the ordinary transactions of life.

The copper cash can be traced back about eight centuries before Christ.‡ The sufficiently patient student of Chinese annals will probably be able to make a record of the varying price of silver as measured in cash, and this in its turn is the current standard of value. Measured in commodities

* See Appendices D and E.

† "A Cycle of Cathay" 1896. By W. A. P. Martin, p. 97. "Ningpo, Shortly after 1850." "Yet another illustration of the passion for hazard. One day, when I was new to the place, I happened to enter a street near the floating bridge. It was filled with an excited crowd who were madly vociferating and gesticulating. Thinking that I had come upon a riot, I turned aside to ask the meaning of the tumult, when I learned that I was in the Stock Exchange. Bids were made *viva voce* and accepted by the grasping of hands, the parties withdrawing to complete their bargain. The business going on at that time was the fictitious sale of Spanish dollars for copper cash; the quotations being brought by pigeon post from Suchau, two hundred miles distant. How vividly this scene was recalled to my memory by the confused roar heard at the Paris Bourse!"

‡ *North China Herald*, September 11, 1896. "Silver and Copper Currency."

cash has fallen in 800 years to one-fifth of its old value.* Colonel Yule in his "Marco Polo," has shown that a tael of silver exchanged for 1000 cash in the thirteenth century when, as stated above, the ratio of silver to gold was as 4 to 1. In 1777,† a French missionary reports that a tael of silver was exchanged for 800 to 1000 cash. In Shanghai during the current year a tael exchanged for 1260. In 1846, Dr. Williams reports that cash ran 1680 to 1700 to the tael.‡ In 1850, Mr. Doolittle§ records that a dollar was worth at Foochow 1400 cash, and in 1854, it yielded 1750 cash, and in 1869 it changed for 1050 cash.

"Thus it appears in a few years' time," says that admirable and most accurate authority, the *North China Herald*, "silver may nearly double its value." "It has no local stability. . . . Silver is not in these conditions a good local standard of value. It is liable to fall and cause depression. The real standard of value in China is copper, which has been long in the country and is used in the payment of wages, in the purchase of articles of food and in all those trades which do not require the merchant to travel to a distance from his home. The stability of copper cash values is accounted for by the fact that the goods it is employed to represent commercially, remain just what they were year by year."

I have thus far considered the fluctuations of the silver tael. This is an uncoined weight of silver. By treaty, the weight of the Haikwan tael is taken at 1 1-3 ounces avoirdupois or 583 1-3 grains.|| The actual weight of the Shanghai tael is 580.53 grains, of which 902-1000, or 523.638 grains only are silver. The proportion in account of these two is 1114 to 1000. The Canton tael was given by Dr. Williams in 1856, as 579.84 grains, but a government assay in 1844, gave a higher value of 581.34 grains.

* *North China Herald*, August 29, 1890.

† "*Mémoires concernant les chinois*," Vol. iv. (Quoted in *North China Herald*, September 11, 1896.)

‡ Williams' "Middle Kingdom," 1847, Vol. ii, p. 156. The value of cash has depreciated from 1000 to 1680 to 1700 cash to a tael, or from 750 to 1050, or 1200 to the dollar.

§ Doolittle, "Social Life of the Chinese," 1865, Vol. ii, p. 140.

|| "Celestial Empire," Shanghai, June 13, 1890.

This was reached by finding that twenty new Spanish dollars weighed 14.370 taels, or 0.7185 each. Allowing for the customs weight of coin, .45 per cent of a grain heavier, this brings the Canton tael to 580.83 grains, or about the Shanghai tael. An ordinary monetary tael may be accepted as between 580.53 and 580.83 grains troy. In Shanghai the fineness is 902-1000 or with pure silver, 523.77. At Peking in May, 1895, the Haikwan tael, known also as K'u P'ing, was rated at \$0.77 in American gold.* In South China, and on the coast, first the Spanish and later the American dollar, has displaced the tael. In interior China, the tael is still the familiar measure of exchange.

Where the silver dollar has penetrated or has been coined, it has gone through exactly the same fluctuations when measured in cash as the immemorial tael. A few years ago,† the Viceroy of Kuang-tung, Ching Chih-tung, began the coinage of silver dollars on his own account, and coined cash in addition.‡ Roughly speaking, the Mexican dollar had been worth 1000 cash and stood about as 72 to 100, compared with the tael.§ As this new coinage increased, it deranged values all along the coast, and this was undoubtedly aided by the commercial fall in silver, for while silver has steadily

* Report of the Director of the U. S. Mint, 1895, p. 337.

† London *Economist*, May 31, 1896.

‡ Report of the Director of the U. S. Mint, 1895, p. 336. "The cash cast at the Government mint at Canton weighs 0.08 per cent of a tael and is of the value of 1350 to a tael or 972 to a Mexican dollar." Minister Denby.

§ Correspondence October 30, 1896, from Nganlufu-Hupei, in *North China Herald*. A week ago a proclamation which had been sent from Wuchang was issued in the city. The information given was to the effect that silver dollars and smaller coins were now to be put in circulation in this city, and also that a dollar will be of a fixed value, i. e., one thousand cash, as the money is now issued by order of the Viceroy, and not any private bank or individual. If, however, a change in the value of silver should take place, the people would be duly informed and the value of the dollar fixed accordingly. The public are duly warned against spurious coins, and if any one should happen to have any dollars which he suspects as being bad, he may take them to the government office which is to be opened, on the street, and on payment of two cash for each coin, they will be tested and stamped. All faithful sons of China are called upon to help the officials by using the new currency as it is a much safer system than the cash bills and very much more convenient than the copper cash.

grown in amount by import into China, cash has not grown in the same proportion. At the opening of 1896, the Spanish dollar fell at Chinkiang from 1300 to 1175 cash, and the tael from 1480 to 1345. At Hankow, the Mexican dollar fell to 920 cash and a like fall took place at Ningpo. At all these places, proclamations had been posted requiring the Viceroy's dollars to be received on the par of Mexican, Japanese, French and English dollars; but the soldiers paid in them, found themselves victims of this experiment in free silver coinage and could only get 935 cash for a dollar. At Hangchow, while 1000 cash were paid, 20 per cent of base cash were inserted and their discount brought the string down to 960. At Yangchow, the local tael fell to 1300 cash and the Mexican dollar to 900. What had really happened was that while the copper in the cash had not fallen, eight pounds of a "string" or 1000 cash, half copper and half lead, was worth between 55 and 60 cents gold, but a silver dollar had fallen and was worth only about 50 to 53 cents. As long as the coinage of silver dollars was suspended, the silver dollar held its value in cash reasonably well; but the Viceroy's active mint abruptly ended the parity, and silver tumbled in value in China just as it does everywhere else. This speaking illustration came to pass, be it remembered, in the very year in which, in papers and from platforms, hundreds of editors and thousands of speakers were assuring the American people that in China silver did not vary in value.

I have confined myself in this sketch, to a few of the many facts bearing on the subject in the currency system of a land which has had a recorded, continuous and homogeneous currency, using the same terms, employing the same coins and conducting exchanges under the same conditions for 2000 years. The circulation of the two metals, first copper and iron, and later silver and copper, has been profoundly affected by the constant presence of a paper currency. The printed squares of white deer skin worth

400,000 cash, issued by Han Wuti, were perhaps mythical.* Paper currency began with the use of seals impressed on paper and used as representatives of exchangeable value, about 200 B. C., according to Dr. Edkins of Shanghai. These were succeeded by commercial paper in the forms of bills of exchange, 806 A. D., when these notes were called "flying money." Preceding by ten centuries, Secretary Sherman's ingenious plan for distributing a token currency by saving the cost of transportation, the government received deposits of cash, and issued notes good at provincial treasuries for cash of the same amount. There was a return to this system in 960, and in 1023, in Szchuen this was succeeded by a bank-note system based on private capital, the amount of the notes being limited to 1,255,300 strings, each string having 1000 cash. After 1150, the Golden Tartars conquered North China, and Kublai Khan promptly using this ready instrument, in thirty-four years issued \$624,135,500.† This currency became depreciated, but issues were continued under the Ming Dynasty and copies of its treasury notes while rare, are not infrequently met in collections. Silver began to be freely used at this time, partly from America and partly from Yünnan and Cochin China. For some time, South China had a silver, Mid-China a copper and North China a paper currency, while grain was used in paying off troops. In 1620, treasury notes were abolished and except for a short period during the Tai-ping rebellion, and then only around Peking, the present Manchu Dynasty has issued no notes.

China has at present a free banking system,‡ any person or company having the right to issue notes.§ The capital

* *Journal Peking Oriental Society*, 1889, p. 266.

† "Middle Kingdom," Vol. II, p. 85.

‡ *Ibid.*, p. 86.

§ The Government at times loans money to pawnbrokers who also carry on a general banking business on pledges. *Peking Gazette*, March 22. (Translated in *North China Herald*, April 6, 1888). (2) It appears that in the latter part of the last century, a sum of Tls. 160,000 was lent by the government to the pawnbrokers' shops in the Prefecture of Hsüan-hua Fu in Northern Chihli. The object of this

of these establishments is small, 2000 to 3000 taels. Tientsin has 300 and Peking 400. A clearing house maintains in each city a system of mutual exchange and these banks issue both tael or silver and cash notes. Their bills of exchange circulate all over the empire and give as complete a system as exists in Europe or the United States. The European commerce of the treaty ports is carried on by the aid of foreign banks, one of which, the Hangkong and Shanghai banks, was the victim, some time ago, of a loss of \$1,200,000 by its chief compradore, Lo Hop Hing, who displayed an ingenuity not to be exceeded by a more civilized defaulter. The failure of the old "Oriental" in 1884, and of its successor the "New Oriental" in 1892, rank among the greater bankruptcies of banking.

He would be a rash man who ventured to dogmatize on any phase of this great subject. I trust that I have shown that in China the same laws control and operate in the working of currency as are felt elsewhere. It is as ridiculous to speak of silver as being stable in the East as in the West. It is true that the general average of prices tends to maintain a more even level and to be exchangeable on a more settled parity; but this is because there are fewer changes in price-making conditions through the development of transportation and through new inventions. Changes come. The Manchu "bannermen" who buy land under a tenant-right and burdened by a tax,* have found themselves

measure was to supply from the interest of the money an annual sum to meet the official expenditure of the Governor of Chahar. About Tls. 16,000 was repaid some time ago, and some more has been lost by defalcations, leaving in the hands of the pawnbrokers about Tls. 120,000 at the present day. Of the fifty and more pawn shops which formerly borrowed money, about twenty have ceased to do business, and it does not seem fair either to make the men who have closed their shops retain their loans and continue to pay interest, or to make those who are still remaining in the trade, take over the money from the others. It appears to the Viceroy Li that the reason of the present state of things is that the interest is charged at too high a rate, and he therefore proposes to try the plan of reducing it to 8 per 1000 per month, or 9.6 per cent per annum, which he thinks will afford the shops sufficient profits and enable them to go on with their business.

* *Peking Gazette*, July 10, 1887.(4) (Translated in *North China Herald*, July 29.)

As the rate of rent now in Chihli, for example, does not exceed 6 or 7 tael cents per

in exactly the plight of some English land-owners with reference to their charges. The administrator of Chinese Turkestan was forced to accept taxes in kind, owing to a dearth of the circulating medium.* But in China, changes are far slower. Such changes as come are more apt to keep an average level. Yet even in China there has been a fall in prices as measured by both the precious metals on the average, but owing to the fact that the increase of transportation has not kept pace with population, food has risen while labor has not altered. Such a change falls with cruel force on the masses. This is abundantly apparent in the index numbers compiled by Mr. W. S. Wetmore.† The report of George Jamieson, British Acting Consul-General, issued in October, 1893, and his paper on the "Injury to British Trade and Manufactures,"‡ constitute the fullest statement of the claim that "the Chinaman's tael buys more domestic produce than it did twenty years ago, but also buys more foreign goods." True, within certain limitations, this fact does not, as I have endeavored to show, warrant the assertion that in the monetary system of China, silver has been a stable measure of value.

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acre (mou), and the land tax amounts to just the same sum, the purchaser who is forbidden by law to turn out the actual tenant or raise the rent, finds himself in the same position as if he had not any land at all.

* *Peking Gazette*, May 20, 1887.(4) (Translated in *North China Herald*, June 10, 1887.) Liu Chin-t'ang reports on Chinese Turkestan: "Formerly much inconvenience was caused to the people in certain districts by requiring them to commute their grain tax for a sum in copper and silver, irrespective of whether the locality produced copper or silver." The commutation now enacted for districts 200 li (75 miles) from the towns, is one picul (133½ lbs.) of wheat at one tael, one of maize at 60 cents and one of straw at 5 cents. All others must pay in kind, one-tenth of the produce, six-tenths in wheat and four-tenths in maize.

† *North China Herald*, May 12, 1893. Coinage Laws of the United States. Washington, 1894, p. 463.

‡ Fifty-fourth Congress, First Session, Senate Misc. Doc. 30.

APPENDICES.

A. COINAGE OF CASH.

Peking Gazette, January 14, 1888. (Translated in *North China Herald*, February 24, 1888.) Early in the present Chinese year an order was sent to all the provinces requiring them to coin a prescribed number of cash of the standard weight of one mace each. On the receipt of these instructions the Governor of Kiangsi sent an officer to Shanghai to purchase supplies of copper and lead. Sufficient materials having been procured, a mould and a pattern form of cash were obtained from Peking, and the work of coinage was started about six weeks ago at Nan-ch'ang-Fu. The Governor states that he visited the mint and personally impressed upon the directors and workmen the importance of turning out strong and solid coins with polished rims and well-cut holes in the centre. He now forwards ten specimens of the new cash to the Privy Council to be submitted to the inspection of the Emperor, and a like number is to be sent for examination by the boards concerned. Should the result prove satisfactory, he proposes to go on with further castings and take such measures for placing the cash in circulation as may meet the interests of the people and safeguard the currency system.

B. COINAGE METHODS.

Peking Gazette, January 10, 1888 (2). (Translated in *North China Herald*, February 10, 1888.) The Governor of Chêkiang reports the dispatch of a supply of copper cash for the use of the government at Peking. Some time since the Memorialist forwarded to Peking specimens of two kinds of cash, the one coined by machinery and the other cast in the ordinary way. In reply there was issued a decree ordering him to adopt the ordinary fashion of casting, and to manufacture a quantity as soon as possible. He afterwards received an inquiry from the Board of Revenue asking how many cash he could make a month, and what number he could send forward before the closing of the Tientsin River. He referred the matter to the officers in charge of the mint, who told him that as the work had only been commenced recently, the coins could not be turned out very rapidly, and twenty thousand strings were all that could be managed within the given time. He therefore wrote a reply to the Board to that effect. He has since sent off the twenty thousand strings in the charge of an officer, who will convey them to Tientsin by steamer, and deliver them to the Board of Revenue at Peking. He is forwarding separately an account of all the charges.

for materials, labor, and freight, which will be deducted from the subsidies due from his province to the Central Government.

C. LACK OF UNIFORMITY IN COINS.

Peking Gazette, August 21, 1896. (Translated in *North China Herald*, October 30, 1896.) Liu K'un-yi, Viceroy of the Liang-Kiang provinces, states that in his opinion the copper cash struck by the foreign machinery in the Canton mint, of a uniform weight of eight fen or eight-tenths of a candarin, is too heavy and apt to tempt counterfeiters to melt down this money and coin lighter cash which can easily pass muster in the markets. To remedy this, the Memorialist, when sending a lot of copper and spelter to Canton to be made into cash by the foreign machinery there, sought to consult with the Board of Revenue and get its sanction to authorize the lessening of the Canton weight to seven fen or one-tenth of a candarin less which could pass current easily in the Liang-Kiang provinces. To this the said Board replied that in view of the fact that the Kuang-tung authorities make their cash eight fen in weight and recently Chang Chih-tung had been making cash in Hupeh province six fen in weight owing to the dearness of copper and spelter in the foreign markets, and now that Memorialist wishes to make his cash seven fen in weight, the confusion would be too great and the confidence of the traders and common people would be lost, on whose behalf the present cash are being struck to relieve their wants, etc. As Memorialist acknowledges the maxim laid down by the said Board that cash is struck for circulation in the markets to remove the present tension and to relieve the masses, he also thinks that the weight recommended by him would be the best way to relieve such tension. For, by making the seven fen weight the minimum, counterfeiters would not find it profitable to melt the new money down, as they could not then make their cash of such weight as to pass current with the people and at the same time benefit themselves. The great point is to have cash of a specific weight to pass as legal tender and yet be of such weight as to be unprofitable to people who should desire to melt it down. This, Memorialist thinks, can be gained by adopting the seven fen weight, not only on the above grounds, but also on motives of economy owing to the high prices ruling in the markets for copper and spelter, which must at present be obtained from abroad. Any greater weight would tempt counterfeiters, as has been and is now the case with the Canton-made cash, which in spite of the great quantities turned out yearly, yet keeps growing less and less in quantity, whereas cash of lesser weight does not obtain the confidence of the public throughout the whole empire.

Hence Memorialist would beg to persist in coining his new cash in Canton at the seven fen weight as a standard which he would also recommend to be done by the other provincial authorities. Although strict watch is kept for counterfeiters, who, when captured, are sentenced to the extreme penalty of the law, yet they keep continually cropping up to the detriment of the general trade in the interior. Rescript:—Let the Board of Revenue report thereon.

D. MONETARY DIFFICULTIES IN PEKING.

Peking Gazette, May 8, 1887 (2). (Translated in *North China Herald*, June 3, 1887.) A Memorial from Yen Ching-ming, Comptroller of the Board of Revenues. On the twenty-fifth of April, the President of the Board, Wên T'ung-'ho, at an audience with the Empress, had the honor to receive instructions on the subject of the continued depreciation of silver and the enhanced value of the paper currency in Peking. Her Majesty stated that the trouble arose from the doubts that were entertained in commercial circles respecting the value which the large cash would hereafter command in exchange for standard cash, and directed the Board to take steps to devise a remedy and publish it for general information. The Memorialist and his colleagues at once took the question into their consideration, and they would now respectfully submit the views they have formed thereon as the result of an extensive inquiry. In the present state of the money market, the tael exchanges for fourteen tiao in cash, but for only nine tiao in paper notes. The fluctuations are extremely serious, and the crisis is aggravated by the fact that there has been no corresponding change in the price of commodities. Since the twenty-fifth of April there has been a succession of bank failures, and the unsettled state of the exchange has given rise to fraudulent transactions, the full extent of which it is hard to determine. In substance, the case stands thus: the enhanced value of the paper currency is due to the scarcity of notes, and the scarcity of notes arises from the fact that they are being withdrawn from circulation from fear that, should the larger cash become worthless on the introduction of the standard cash, the payment of the notes will be demanded in the latter currency. In the memorial which the writer and his colleagues presented on the subject last August, there was a special clause providing that, when the change took place, the relative values of the large cash and the standard cash should be as one of the former to two, or two and a fraction, of the latter, and on reconsidering the matter they would propose that this should be established as a uniform rate of exchange in all government and mercantile transactions, and that both kinds of cash should be legal

tender. They would further ask that they should be authorized by imperial decree to make this decision known to the local authorities, so that the two kinds of currency may be maintained, the one as a complement of the other. Until the standard cash are introduced it would be hard to determine their exchange value in silver, and, therefore, this portion of the question may be reserved for future consideration.

Peking Gazette, March 12, 1888. (Translated in *North China Herald*, March 30, 1888.) *A Decree*.—We are in receipt of a memorial from the Governor of Shun-t'ien Fu stating that, owing to the proposed issue of standard cash in part payment of monthly salaries, the circulation of Peking cash has become restricted in the market. When the introduction of standard cash was first decided upon, it was intended that they should be supplementary to the Peking cash, with which they were in all mercantile and official transactions to exchange in the proportion of two to one, but the disuse of the latter currency was never contemplated. Though this has been announced in successive edicts, and confirmed under regulations published by the Board of Revenue, still it has not had the effect of removing the uneasiness felt in commercial circles and the process of selecting the larger and heavier Peking cash and rejecting the lighter still goes on. The result is that the people are unable to exchange their cash for the necessities of life. The exchange is manipulated by dishonest creditors to the great injury of the rest of the population. We therefore command the Governor of Shun-t'ien and the Commandant of the Peking Gendarmerie to issue fresh proclamations authorizing the continued circulation without any process of selection of all Peking cash, two mace and upward in weight, which have been coined at the government mint. Let any attempt to restrict the circulation of this currency under the pretext that it is to be discontinued, or any forcing of the price of commodities, be severely punished in accordance with law.

(NOTE.—The large Peking *cash* were first introduced during the reign of Hsien Fêng when the supply of copper from Yünnan was stopped by the rebellion, and formed one of the many devices adopted to tide over the financial difficulties of that troubled period. Their circulation was always confined to Peking and the immediate vicinity, and the step which is now being taken of reverting to the standard cash is intended to establish uniformity between the Pekingese and provincial currencies. On their first introduction, the Peking cash represented ten of the standard cash, but for many years past the proportion has been as one of the former to two, or two and a fraction of the latter. The proposed change has had a

most disturbing influence on the money market in Peking. In spite of repeated assurances, the people cling to the belief that the large cash will eventually be withdrawn from circulation, and for months past commercial transactions have been seriously influenced by this supposition. Spurious cash have been rejected, and vast quantities of them have found their way at a great profit to speculators, into the provincial markets. The Peking currency has been tightened: the banks, afraid their notes would have to be honored in the standard cash, withdrew them as fast as they could, and substituted notes payable only in Peking cash. The new cash, large supplies of which arrived from the provinces before the closing of the river, are to be put into circulation from to-day (March 13) through the medium of the Banner troops, to whom they will henceforth be issued in part payment of monthly allowances, and no further coinage of Peking cash being contemplated, it is probable that the currency of the capital will soon be assimilated to that of the provinces.)

E. LOCAL MONETARY DISTURBANCES.

Peking Gazette, April 22, 1887. (Translated in *North China Herald*, May 6, 1887.) The Governor-General of the Hu Kuang provinces and the Governor of Hupeh report in answer to imperial decree for forwarding supplies of cash to Tientsin for the use of the Board of Revenue, in all, 1,200,000 strings of cash, from Hupeh, Kiangsi, Chêkiang and Anhui: "Of late years there has been an excessive outflow of cash from the province causing a rise in the value of the currency, and Hupeh itself is already suffering from a deficiency of copper cash. Hence, if too many cash are remitted at one time to Peking, it will injuriously affect local interests and consequently the revenue also. It is proposed, therefore, to limit the remittances of cash this year on account of subsidies due to Peking from Hupeh to 20,000 strings *per mensem*, commencing with the third moon. These cash will be sent by steamer to Tientsin and there held to the order of the Board of Revenue. The rate of exchange will be about six tael mace per string of cash, but as exchange varies, the actual rate will be determined as each remittance goes forward. It may, however, be generally stated that 100,000 strings of cash represent approximately taels 60,000 odd of the touch of 'Metropolitan remittances.' When 100,000 strings have thus been forwarded and the effect on the markets has been observed, the possibility or otherwise of increasing the amount will be reported to the throne."

Peking Gazette, April 23, 1887. (Translated in *North China Herald*, May 8, 1887.) The same officers report a mint for cash established in Hupeh, where none has been working since the early years

of Hsien Feng. Its capacity is to be twenty-one annual castings of 4000 strings each (a string containing 1000 cash). "In addition to the above, there was what was called *wei mao* or 'caudal' casting, at which 1859 strings were turned out in order to furnish what was termed a *pai chuan*, which appears to have been employed in allowing for an addition of five cash to every string. The weight of copper and lead annually required was 750,000 catties, which used to be procured from Yünnan and Kueichow. It is more convenient and economical to procure foreign copper at Shanghai." It is proposed to follow the arrangement adopted at Foo Chow and to start with a capital fund of taels 30,000.

Peking Gazette, April 15, 1887 (2). (Translated in *North China Herald*, April 29, 1887.) The Governor-General at Foo Chow reports the failure of several cash banks. "The system of cash notes issued by cash banks was devised to meet the scarcity of ready coin, and has long been in operation. The substantial bankers who accommodate their note issue to the amount of their capital, are, of course, to be relied upon, but there are others who issue notes representing no capital fund. . . . It was considerations of this nature that induced the Memorialist, besides ordering the executive to be constantly on the watch, to apply for and obtain His Majesty's sanction to the experimental issue of a new copper cash, hoping to reduce the price of silver by getting a sufficient quantity of cash in circulation."

420
360
3.1.10

COMPARATIVE STUDY OF THE STATE CONSTITUTIONS OF THE AMERICAN REVOLUTION.

As an historical introduction to this study of the state constitutions of the American Revolution it is quite important to sketch briefly the steps taken in definitely organizing the movement. These steps constituted a very critical transitional period extending over about two years just preceding the formation of the state constitutions. In order rightly to understand this transitional period it is well to note at the outset that the Americans came very far short of spontaneous unanimity in undertaking the Revolution. In most of the colonies the majority in favor of the movement was at first quite small, and there is good reason to believe that in some only a minority favored it.* In all the colonies the most persistent and vigorous agitation was necessary, the extent of which is not now easily realized. From first to last the success of the movement was due primarily to the skillful tactics and efficient zeal of more or less self-interested leaders. The American Revolution was a movement gradually conceived by a few capable, interested, yet for the most part lofty-minded, leaders, and by them carried to completion, assisted by an extremely sensitive average population

*This question is difficult to determine with exactness, inasmuch as there was no census and no popular vote of the right kind; but it seems quite certain that the Whigs were in a minority in Georgia, South Carolina and New York. The Tories were also numerous in Pennsylvania, Connecticut, Vermont, North Carolina, New Jersey, Delaware and Maryland. Pennsylvania and North Carolina were about evenly divided. The Tories always maintained that a fair vote would have prevented the Revolution, and considered this movement the work of a powerful machine shrewdly organized in each colony, county and town. Lecky goes so far as to say that it "was the work of an energetic minority who succeeded in committing an undecided and fluctuating majority to courses for which they had little love, and leading them step by step to a position from which it was impossible to recede."—"History of England in the Eighteenth Century." New Ed., Vol. iv, p. 224.) This language undoubtedly stretches the truth, but such high authorities as John Adams and Chief Justice McKean of Pennsylvania declared that one-third of all the people of the thirteen states opposed the Revolution in all its stages.—("Works of John Adams," Vol. x, pp. 63, 87, 110.)

in some sections, by exasperating episodes and keen brotherly sympathy in all the colonies.

Early in 1774, five very important measures were rapidly hurried through the British Parliament, the manifest object of which was to coerce the American colonies. I refer to the Boston Port Bill, the Transportation Bill, the Massachusetts Act, the Quartering Act, and the Quebec Act. These measures aroused far deeper indignation than had before existed in America. During the previous nine years, under the whip of the more radical leaders, the colonists had already indulged in much illegal and even violent conduct; but the passage of these "coercive acts" of 1774 and their attempted enforcement was the signal for further and more irregular proceedings in every American colony. By an almost unconscious process these irregularities led to the overthrow of the existing colonial governments. This strategic point having been gained the step to independence was a most natural one.

The mode of procedure in the dissolution of royal authority was much the same in all the colonies. The first definite step each colony took was to appoint delegates to a Continental Congress, a body altogether unknown in law to the existing colonial system. These delegates were appointed either by the colonial assemblies, with or without the governors' approval, or in a still more irregular manner, by self-constituted conventions or congresses. Simultaneous with this movement toward united counsel and action was the rapid growth of local committees of correspondence and safety.* These local committees speedily took unto themselves many important functions which had regularly devolved upon the tribunals and officers of the royal governments. Then, when the first Continental Congress agreed upon the so-called "Association," a great impulse was given to the further growth of these irregular com-

* Local committees of correspondence in many cases antedated the appointment of delegates to the Continental Congress.

mittees, for the regular governmental agencies were not generally good media for the enforcement of such a revolutionary measure. As it became more and more evident that English aggressions would be persisted in, and that force would be necessary to bring about a satisfactory adjustment of the difficulties, such committees became more and more necessary, and assumed more extended functions. At first in many cases they were self-appointed; but it was not long before the practice of regular elections by the qualified voters was developed. Thus these irregular bodies came to have, to a large extent, the force of public opinion back of them; but it should be remembered that minorities frequently prevailed, and in many places the votes were suspiciously small compared with the polling-lists.

Central direction soon became necessary for curbing the violence of these local bodies, as well as for making their action more effective and comprehensive. Hence in nearly all of the colonies irregular provincial conventions or congresses were summoned into being. As these bodies could not well sit continuously, it became necessary to entrust their authority during recess to central committees of safety, generally appointed by and from their own number. Naturally enough, under the circumstances, the functions of the regular colonial assemblies and governors were one by one, sometimes *en bloc*, assumed by these irregular conventions and committees. No real sanction was given to the mandates of these irregular bodies. In fact, their resolutions always went forth to the people in the form of recommendations; but, under the stress of constant agitation, their decisions came to have the force of law. Gradually these local and central committees of safety and the provincial conventions became systematized and their respective functions, composition and mode of election defined in varying degrees of perfection in the different colonies, amounting in some cases to quite elaborate provisional governments. Under the heat of such revolutionary movements, during

the years 1774-76, the royal governments in the various colonies completely melted away; and thus the people of each colony, almost before they realized it, found themselves face to face, not only with a great war, but with the equally important and difficult problem of regulating their internal affairs upon the basis of permanent written state constitutions. It is to a brief comparative study of the instruments resulting directly from this movement that the attention of the reader is invited in the following pages.

One further comment before proceeding to the discussion in hand. It is worth while to note that, on the whole, the transition from royal authority in the different American colonies to independent state governments was made in a careful and conservative manner. Violence and intimidation there was, enough and to spare, in some colonies;* but this is to be expected at such times, for "revolutions are not made with rose-water." In some sections Utopian and fantastic ideas of government were advanced that did not altogether fail of influence, and were faintly reflected in some of the first state constitutions. Yet, on the whole, good political sense and judgment and a most admirable self-restraint were displayed in the midst of most vexatious and dangerous circumstances. It should always be borne in mind that the years 1774-76 in America afforded a splendid opportunity for the reign of demagogism and the precipitation of anarchy upon the country. To be sure there were no long pent-up social volcanoes ready for eruption—only a vague, groping dissatisfaction with the existing social order in some colonies; but a more volatile people would have found plentiful opportunity in the actual circumstances of these two years for wild political extravagances and constitutional shipwreck. Precisely

* This was especially true in New York, Rhode Island, Vermont, Connecticut, New Jersey, North Carolina and Georgia. It would be an interesting and important task to trace in detail the extent of violence practiced in each colony by the various revolutionary bodies, and to consider carefully the complementary question of the degree of unanimity existing in favor of the Revolution at different stages. Such a task, however, would have been entirely beyond the compass of the present paper.

here did the strength of the American character show itself most forcibly in the Revolution. There was very little of the iconoclastic in the movement further than the necessary overthrow of the existing royal sanction and the substitution of the sanction of the people in governmental affairs.

The provisions of the revolutionary constitutions and bills of rights may now be compared under appropriate topical headings.

I. *The Bills of Rights.*—There will ever be a peculiar halo surrounding the bills of rights of the American Revolution. They were the platform of this great movement. In them the somewhat misty "rights of Englishmen," for the maintenance of which the Revolution was inaugurated, were set forth definitely and concisely, though with varying degrees of completeness. And these instruments have since become for Americans the fountain-head of chartered individual rights. With but slight modifications they now form a basis for the government of all the states and of the Union. But to fully appreciate their worth and import it should be remembered that they were not original either in idea or content. All, or nearly all, of the American colonies had at one time or another drawn up written instruments stating the rights of the individual as against the regularly constituted governmental authorities. But the foundation of precedent was still broader and deeper. Englishmen, as well as Americans, had a deep-seated habit of guarding individual liberty by binding written bills of rights. The bills of rights of the American Revolution are only a link in a long chain of institutional development, running back through the English Bill of Rights and Petition of Rights to Magna Charta, and all these formal expressions were only crystallizations of previous institutional development. At the same time it should be remembered that this common habit of Englishmen and Americans regarding written bills of rights is the point of departure in two quite different constitutional developments. The ultimate goal in both

cases has been popular sovereignty established upon a democratic basis, but the attainment of this goal has from the first been through quite different constitutional forms. The American colonies, at the very outset, established their constitutions upon definite written bases, and this fact in itself gave rise to a constitutional development very different from that of the English. Furthermore, in the one case monarchical and aristocratic forms were kept up, while in the other there was a continuous effort to incarnate the republican spirit in republican forms. The colonist clung tenaciously to the local institutions and the chartered individual liberty which he brought from England, but not so much to constitutional forms, and hence during a century and a half of development the English and American constitutions became quite divergent.

The germ of all the revolutionary bills of rights was the Declaration of Rights issued in 1765 by the Stamp Act Congress, which enunciated the cardinal doctrine of the Revolution, viz., that the colonists were entitled to the common law rights. This instrument was particularly intended to serve as a campaign invective against the Stamp Act, but it nevertheless laid the foundation for later enunciations of a more comprehensive character. After nine years of constant agitation the revolutionary leaders advanced to a clearer and more consistent position than they had formerly assumed, and issued another Declaration of Rights. This declaration of 1774 served as a fairly good model for all the later state bills of rights. These latter documents were little more than amplifications of this instrument of 1774, plus the doctrine of popular sovereignty.

Only seven of the revolutionary constitutions were accompanied by separate bills of rights;* but the other constitutions contained important provisions of this character, and these states also considered the declarations of 1765 and 1774, as

* Virginia, Pennsylvania, Maryland, North Carolina, Vermont, Massachusetts and New Hampshire. Connecticut, also, in continuing her charter, enacted a short bill of rights.

well as the Declaration of Independence, as bases of their new governments. Furthermore, all the states continued the operation of the common law within their borders. Although there is a general family resemblance between these various instruments they differ somewhat in content, and still more in form and phraseology. Of these instruments those of Massachusetts and New Hampshire, most nearly resemble each other while those of Virginia, Pennsylvania and Vermont are also much alike. The Maryland and North Carolina instruments are most unlike all the others, and quite different from each other.

One of the most characteristic features of these instruments was their reflection of the current eighteenth century philosophy. They had very much to say about "human equality" and "natural inalienable rights," "popular sovereignty" and "social compact."* Each of these instruments declared that no one should be deprived of his liberty except by law or by judgment of his peers; that every one, when prosecuted, should be entitled to a copy of the indictment brought against him, as well as to the right of procuring counsel and evidence; and that no one should be compelled to give evidence against himself. They all carefully guarded the right of trial by jury; guaranteed freedom of the press and free elections; forbade general warrants and standing armies in times of peace; forbade the granting of titles of nobility, hereditary honors and exclusive privileges. All of these instruments, except those of Virginia and Maryland, guaranteed the rights of assembly, petition, and instruction of representatives. All except those of Pennsylvania and Vermont forbade the requirement of excessive bail, the imposition of excessive fines, the infliction of unusual punishments, the suspension of laws by any other authority than the legislature, and taxation without representation. The

* New Hampshire Bill of Rights (secs. 1-3); Massachusetts Declaration of Rights (secs. 1, 5 and 7); Virginia Bill of Rights (secs. 1-3); Vermont Declaration of Rights (secs. 1, 3, 5, 6 and 17); Pennsylvania Declaration of Rights (secs. 1, 2, 4, 5 and 15); Maryland Declaration of Rights (secs. 1 and 19).

Maryland Declaration of Rights also declared poll-taxes "grievous and oppressive, and that all except paupers ought to contribute to the support of the government in proportion to their individual worth."*

The constitutions of Massachusetts, New Hampshire and Maryland forbade the quartering of troops in times of peace in any house without the consent of the owner. The same instruments guarded freedom of debate in the legislature, declared that laws should be impartially interpreted and that judges should enjoy good behavior tenures and honorable salaries. Those of New Hampshire, Pennsylvania and Vermont provided for the exemption of the "conscientiously scrupulous" from military service on condition that an equivalent should be paid. Those of New Hampshire, North Carolina, Massachusetts and Maryland forbade the passage of retrospective laws. Those of Massachusetts and Maryland forbade the legislature to attain any particular person of treason or felony. The North Carolina Declaration of Rights forbade the granting of "perpetuities and monopolies." The Vermont Declaration of Rights forbade the transportation of offenders for trial of offences committed within the state, and also forbade slavery.

The doctrine of state sovereignty was asserted in the Massachusetts and New Hampshire instruments in the following blunt and positive language:

"The people of this state have the sole and exclusive right of governing themselves as a *free, sovereign and independent* state, and do, and *forever hereafter shall*, exercise and enjoy every power, jurisdiction and right pertaining thereto, which is not, or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."†

The doctrine was much more mildly asserted in the Pennsylvania, Vermont, North Carolina, and Maryland instruments in the following or equivalent language: "The people of this state have the *sole, exclusive and inherent*

* Sec. 13.

† Massachusetts, Sec. 4; New Hampshire, Sec. 7.

right of governing and regulating the internal police of the same."*

The foregoing brief outline will give a general idea of the nature and content of the revolutionary bills of rights. It might seem that such codes of individual rights as those we have just outlined were unnecessary under constitutions vesting the ultimate authority in the people themselves and providing other means of popular control over the governmental agents. It might also seem very certain that gross violations of individual rights could not ordinarily occur under such constitutions as were established, and, on the other hand, that mere parchment checks such as those contained in these bills of rights could be very easily evaded by the popular agents under extraordinary circumstances. But in the mind of the author these very bills of rights have been of indubitable constitutional value. They have served continually as high ideals for political enlightenment, and have greatly helped to render many rights peculiarly sacred and proportionally difficult to violate; and as the popular conceptions of individual rights have gradually widened and deepened, such instruments have served as admirable tablets upon which these new conceptions have one by one been publicly and indelibly engraved. Neither is it boasting to say that these instruments of the American Revolution held up plainly before the view of the whole world higher ideals of individual rights than had ever before been incarnated in law, and it is at least partly the result of American example that all modern constitutional countries have come to agree approximately as to the content of individual liberty. But it must not here be forgotten that the bills of rights of the American Revolution not only made a clearer and more comprehensive definition of individual rights than had ever before been made in practice, but the constitutions to which they were appended also did much to absolutely guarantee these rights against governmental

* Pennsylvania, Sec. 3. Equivalent language in Vermont, Sec. 4; North Carolina, Sec. 2; Maryland, Sec. 2.

violation. These rights were declared to be beyond legislative and executive interference, and judiciaries, which were fairly independent in practice, were created for their just interpretation. With the speedy development of the unique powers of the American judiciaries (state and national) these rights came under their special guardianship and at the present moment no other country so adequately guards these rights against governmental violation.* As a result of this strong constitutional guardianship the American bills of rights have always served as a great check upon partisan excess, and have almost invariably served as admirable bases of resistance to legislative and executive oppression. †

II. *The Principle of the Separation of Powers.* — The most emphatic and unqualified assertion of this principle was contained in the Massachusetts Declaration of Rights. This instrument declared that:

"The legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them." ‡

It would be difficult to formulate a more iron-clad statement of the principle than the above. The same principle was quite emphatically asserted in the instruments of Maryland, North Carolina, Virginia and Georgia. The New Hampshire Bill of Rights stated the principle much less objectionably, as follows:

"The three essential powers, to wit, the legislative, executive and judicial, ought to be kept as separate from and independent of each

* For example, in France individual rights are absolutely dependent upon legislative caprice. In Germany a few rights and immunities are stated in the constitution (*Reichsverfassung*, Art. 3), but there is no really independent judiciary to defend them. Even in England there is nothing to hinder Parliament wiping from the statute book the clauses guarding these rights.

† The author would express it as his judgment, however, that the tendency to enumerate specific individual rights, both in the bills of rights and in the constitutions can be, and has been of recent years, carried to great excess. An ideal bill of rights will contain simply a few plain and unexceptionable principles, otherwise legislation is liable to be unduly hampered.

‡ Sec. 30.

other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of unity and amity." *

The constitutions of New York, New Jersey, Delaware, South Carolina (1776 and 1778), New Hampshire (1776), Pennsylvania and Vermont contained no specific statement of the principle, farther than an occasional prohibition upon individuals holding more than one office. The extent to which this principle was fulfilled or violated in the various constitutions will be apparent in the discussion of subsequent topics.

III. *Organization of the Legislative Department.*—In all the states, except Pennsylvania, Vermont and Georgia, bicameral legislatures were established, each house having an equal right of originating, amending and rejecting all bills except money bills. In all the states having two houses, except New York and North Carolina, the upper house was denied the right of originating money bills. In Maryland, Virginia, South Carolina (1776 and 1778) and New Jersey, this body was also denied the right of amending money bills. These restrictions would seem to indicate a lack of discrimination. It should be noted that even in the three states having a unicameral system, the executive council exercised some of the functions usually exercised by an upper house. For example, the president and council were required to prepare bills for the consideration of the assembly. In Georgia all bills were sent to the council for advice before becoming laws. In Pennsylvania and Vermont the prime purpose of an upper house was more or less obviated by the *referendum*.

Although not clearly stated in the constitutions in every case, the lower house was intended to represent the total voting population, while the upper house was generally intended to represent the rights of property. This was evidenced by the higher qualifications for electors and members of the latter body, and in two states, Massachusetts and New

* Sec. 37.

Hampshire (1784), by the creation of senatorial districts on the distinct basis of taxable property. In all cases existing territorial divisions (counties in the Middle and Southern States, and towns in New England) were made the units of representation in the lower house. In four states* the same territorial divisions were also made the units of representation, in the upper house, but with a smaller number chosen from each; in four states† artificial senatorial districts were created; in Maryland there were to be nine senators from the western and six from the eastern shore. In five states‡ territorial divisions were the only basis of representation in the lower house clearly stated in the constitution, each division electing an equal number of members. The same was true of the upper house in Virginia. All but three of the constitutions provided for the direct election of members of both houses by the qualified voters of their respective districts. Under the New Hampshire and South Carolina constitutions of 1776 the upper house was elected by and from the lower house. In Maryland, senators were elected indirectly by an electoral college. In all cases the upper house was an extremely small body, varying in size from nine members in the case of Delaware to thirty-one in the case of Massachusetts.§ The lower houses were in every case much larger bodies. The New York constitution required a septennial reapportionment; the South Carolina constitution 1778 of a reapportionment every fourteen years; the New Jersey legislature was empowered to reapportion whenever it seemed "equitable and proper."|| The constitutions of Massachusetts and New Hampshire (1784) fixed a definite *ratio* of representation.

In every case but two¶ the term for members of the lower

* New Jersey, Delaware, North Carolina, South Carolina (1776 and 1778).

† Virginia, New York, Massachusetts, New Hampshire (1784).

‡ Virginia, North Carolina, Delaware, Maryland, New Jersey.

§ The maximum and minimum numbers of members allowed in New York were one hundred and twenty-four respectively.

|| Art. 3.

¶ In South Carolina, two years; in Connecticut, under the charter, six months.

house was one year. In five states* the term for members of the upper house was the same as for the lower; in Delaware, three years; in New York and Virginia, four years; * in Maryland, five years. There was nothing to hinder successive re-elections to either house in any of the bicameral states. In only one state, Maryland, was an age qualification for members of the lower house definitely specified in the constitution; but the same qualification (twenty-one years) was in every case to be inferred from the electoral qualifications. An age qualification of twenty-five years was required of members of the upper house in Virginia, Delaware and Maryland; thirty years in New Hampshire (1784), and South Carolina (1778); and inferentially twenty-one years in all other cases. All except New York and Delaware of the bicameral states, prescribed for members of both houses a residence qualification in the town, county or state, although the period was not always prescribed in the constitution. The average time of residence was one year, but in South Carolina (1778) it was five years. In all cases a property qualification was required of members of the upper house and also in all cases but that of New York† of members of the lower house. Some of these property qualifications were quite high, as for example in South Carolina where for senators it was a freehold worth two thousand pounds. The undemocratic spirit of these revolutionary constitutions was also plainly exhibited in the qualifications prescribed for electors. In addition to the almost universal sex (male), age (twenty-one years), and residence (various periods) qualifications, property qualifications were prescribed in every state except Vermont. These property qualifications varied in amount from the somewhat indefinite requirement that the elector be a taxpayer, to a freehold worth one hundred pounds. In New Hampshire (1784) the payment

* Massachusetts, New Hampshire, New Jersey, North Carolina and South Carolina.

† The New York constitution did not prescribe any property qualification, but it could, I think, be inferred from the electoral qualifications.

of a poll-tax, and in Georgia belonging to a "mechanic trade" would give the right of suffrage in lieu of holding property. In Massachusetts and Maryland members of both houses were required to be Christians; in North Carolina, South Carolina (1778) and New Hampshire (1784) they were also required to be Protestants. Section 19 of the New Jersey constitution was evidently intended to bar all except Protestants.* The South Carolina constitution (1778) also restricted the suffrage to believers in God and a future state of rewards and punishments.

In the unicameral legislatures existing territorial divisions were in each case made the units of representation. The Vermont constitution provided a fixed ratio of representation on the basis of the number of taxable inhabitants, but guaranteed each inhabited town one representative. The constitutions of Pennsylvania and Georgia fixed the representation of each county; that of Pennsylvania also provided for a septennial reapportionment on the basis of taxable inhabitants; that of Georgia fixed a ratio for increased representation of two counties. In each of these states members were elected directly by the qualified electors of each district. The term was one year in each case. In Pennsylvania a restriction provided that members could only serve four out of seven years. An age qualification of twenty-one years was prescribed for members in Georgia, and this qualification was inferentially the same in Pennsylvania and Vermont. Each of these states prescribed a residence qualification. In Georgia a property qualification was prescribed and members were also required to be Protestants.† The constitutions of Pennsylvania and Vermont did not distinctly

* The words "all inhabitants" in Art. 4 of the New Jersey Constitution would seem to have warranted female suffrage. At a celebrated election in Essex county in 1806, both females and colored persons were allowed to vote. But the legislature of 1807 set aside the election and enacted a new election law, declaring the phrase "all inhabitants" to mean "free white male citizens." This law, however, was sometimes set aside by election officers as unconstitutional, and in 1838 gave rise to the so-called "Broad Seal War."

† Religious qualifications will be more fully considered under another head.

prescribe any property qualification for members, but perhaps in Pennsylvania as in New York such a qualification may be inferred from the electoral qualifications. In Vermont, however, no property qualification whatever was prescribed by the constitution for members or electors.

+ The constitutions of Massachusetts and New York made the fullest and most specific provision for impeachment. In Massachusetts officers were to be impeached by a simple majority of the lower house and tried by the upper house, a two-thirds majority being necessary for conviction. The constitution also restricted the penalty to removal from office and disqualification, but left the offender subject to further trial in the regular courts. The process in New York differed from that in Massachusetts only in the requirement of a two-thirds majority in the lower house for impeachment.

The constitution of Delaware provided for the impeachment of officers by the lower house and their trial by the upper house, but fixed no majority necessary for impeachment or conviction. The punishment was confined to removal and disqualification with the possibility of further trial in the regular courts. All officers were to be impeached within eighteen months of the time the offence was committed. The constitution furthermore made the very singular and illogical provision that the president could only be impeached when out of office, thus inverting the very meaning and purpose of impeachment. X

The constitution of Virginia provided for the impeachment of offending officers by the House of Delegates, and for their trial by the general court, or by the court of appeals, if any member of the former court were an interested party. No majority necessary for impeachment or conviction was stated; neither was any statement made concerning the punishment to be inflicted in case of conviction.

The constitution of North Carolina (Art. 23) loosely provided that offending officers could be prosecuted (supposedly in the regular courts) on impeachment of the General

Assembly or on presentment of the grand jury of any court of supreme jurisdiction.

The New Jersey constitution provided for the impeachment of "all high officers except the governor,"* by the lower house, and for their trial by the upper house. No further provisions concerning impeachment were stated in that instrument. The New Hampshire constitution of 1784, declared that offending officers could be impeached by the lower house and tried by the upper house, but confined punishment to removal and disqualification, with the possibility of further trial in the regular courts. The constitution of Georgia (Sec. 49) merely stated regarding impeachment that "every officer of the state shall be liable to be called to account by the house of assembly." In Pennsylvania and Vermont offending officers were to be impeached by the legislature and tried by the chief executive in council. The constitutions of both these states furthermore made the somewhat shrewd provision that any officer could be impeached "after his resignation or removal" as well as when in office;† but they did not specify the number of votes necessary for impeachment or conviction, nor did they limit the penalty. The constitutions of Maryland and South Carolina (1776) made no provisions whatever for impeachment. This omission, however, was corrected by the South Carolina constitution of 1778. In this instrument provision was made for impeachment by the lower house and for trial by the senators and judges who were not members of the lower house. A vote of two-thirds of the members present in the respective bodies was required both for impeachment and conviction.

IV. *Organization of the Executive Department.*—(*A. Chief Executive.*)—All the constitutions under consideration, except that of New Hampshire (1776), provided for a nominal

*It is a matter of small wonder, perhaps, that this official was unimpeachable when one considers the very harmless scope of his powers.

† Pennsylvania Constitution, Sec. 22, Vermont Constitution, Sec. 20. It is interesting to note this provision in connection with later impeachment troubles under the Federal Constitution.

chief executive. In reality, however, the constitutions of Pennsylvania and Vermont did not establish a single executive, but an executive board. Indeed in some of the other states the powers of the nominal chief executive, independent of the executive council, were so extremely limited as to virtually vest executive power in the two jointly as an executive board.* We might perhaps also regard the council under the New Hampshire constitution of 1776 with its president quite as much as an executive board as an upper house. In all the states but four the chief executive was called governor; in Pennsylvania, New Hampshire (1784), South Carolina (1776) and Delaware he was called president. In seven states† this official was elected by joint ballot of the two houses of the legislature; in Pennsylvania by joint ballot of the assembly and executive council; in only four by the direct vote of the qualified electors of the state.‡ Only two states chose their chief executive for anything like a respectable term. These were New York and Delaware which prescribed a term of three years. In South Carolina the chief executive like members of the legislature enjoyed a two-years term. In all the other states this official was obliged to content himself with a one-year term. Furthermore the following restrictions were imposed on re-election: In North Carolina this official was made ineligible three out of every six years; in South Carolina (1776), four out of six;§ in Maryland and Virginia, four out of seven. This fanaticism was carried to the highest degree of absurdity in Georgia, where the governor could only serve one out of every three years.

The constitutions of Delaware and Virginia prescribed no qualifications whatever for the chief executive, save as these were to be inferred from the electoral qualifications. In New Jersey he was loosely required to be "some fit person;" in

* This was notably the case in Delaware.

† New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina (1776 and 1778), Georgia.

‡ Massachusetts, New York, Vermont, New Hampshire (1784).

§ This restriction was removed in 1778.

New York, a "wise and discreet freeholder;" in Maryland, a "person of wisdom, experience and virtue." In Pennsylvania, Vermont, Georgia and South Carolina (1776) he was to be qualified the same as members of the legislature. An age qualification of thirty years was definitely required in New Hampshire (1784) and North Carolina, and in Maryland of twenty-five years. Seven years' residence in the state was required in New Hampshire (1784); ten years, in South Carolina (1778), and five years, in North Carolina, Maryland and Massachusetts. Property qualifications were definitely prescribed in five states,* varying in amount from an estate worth 500 pounds or one-half freehold in New Hampshire, to a "settled plantation or freehold" worth 10,000 pounds in South Carolina (1778). The same religious qualifications were required in every case as for members of the legislature. In South Carolina the governor was required to have been a member of the privy council for five years before election. In only one state was the governor's salary fixed by the constitution. This was in the South Carolina constitution (1776) which guaranteed the president an annual salary of 9000 pounds. Four other constitutions contained loose provisions for the governor's salary, but in no case did these have any really mandatory effect.

In Pennsylvania and South Carolina (1776) there was a vice-president elected in the same manner as the president; in New Jersey there was a like-named official elected by the upper house; in New York, Massachusetts, South Carolina (1778) and Vermont there was a corresponding official, called lieutenant-governor, elected in the same manner as governor. In Delaware and North Carolina the presiding officer of the upper house succeeded in default of the chief executive; in Virginia and Georgia the president of the executive council, and in Maryland the first named of that body, succeeded the governor.

* New Hampshire (1784), North Carolina, Massachusetts, Maryland, South Carolina (1778).

(*B. Executive Council.*)—In all the states under consideration the chief executive was checked by an executive council. This body varied in size from three to twelve members, elected from one or both houses, or from the people at large. In Pennsylvania, Vermont, and Georgia* this council was elected directly by the qualified electors of the state, either at large or by districts; in the other states by both houses jointly or separately. In Pennsylvania the term was three years; in South Carolina, two years; in all the rest, one year. In New York there was a dual council. The council of revision consisted of the governor, chancellor, and any two or more of the judges of the supreme court. This body had the power of revising all bills, and a two-thirds majority of each house was required to overcome the veto of the council. Bills not returned by the council within ten days, became laws, unless the legislature adjourned in the meantime. In order to avoid a "pocket-veto," the council was required to return bills the first day of the following session in case of an adjournment within the ten-day period. The council of appointment consisted of one senator from each district appointed by the assembly, and presided over by the acting governor, who had a casting vote but no other vote. This body had the appointment of almost all the important officers in the state.

V. *Comparison of Legislative and Executive Powers.*—

Under most of the revolutionary constitutions the legislature was truly omnipotent and the executive correspondingly weak. Nearly all of these instruments conferred upon the former body practically unlimited power. In six constitutions there was nothing whatever to prevent the legislature amending the constitution by ordinary legislative process; † the Maryland constitution permitted the legislature to amend by a simple majority of two successive sessions; ‡ and that of

* In Georgia the two members from each county attended by monthly rotation.

† New York, New Jersey, Virginia, South Carolina (1776), North Carolina, New Hampshire (1776).

‡ Any amendment, however, specifically affecting the Eastern Shore, required a two-third majority.

Delaware merely required a somewhat larger majority for amendments than for ordinary legislation.* Full legislative powers were in every case, expressly or by reasonable implication, conferred upon the legislature and generally without any great restrictions. As we have seen individual liberty was guarded by more or less complete and mandatory bills of rights or kindred provisions in the constitutions, but no other serious limitations upon legislation were imposed. In Massachusetts hasty and unwise legislation was checked by the qualified negative of a governor deriving his power from popular suffrage; in New York by the qualified negative of a rather hybrid Council of Revision; in South Carolina nominally by the absolute veto of the president, but, here the same bill could be brought in again after a three days' adjournment and the veto power was also largely neutralized by the fact that the president was elected by the legislature;† in Vermont and Pennsylvania by a process approaching the referendum, whereby bills had to be published before third reading and then could not be passed until the next session.‡ With these few exceptions the legislatures were absolutely unrestrained in legislation by any outside checks, except re-elections. But this was not all. In addition to full legislative power these bodies were in many cases expressly endowed with important administrative powers, at the expense of the executive department. In five states§ the legislature appointed nearly all the officers of the state; in others they appointed a number of the more important officers,

* On the other hand Massachusetts and New Hampshire (1784) provided for special constitutional conventions and ratification by popular vote. Georgia provided for a constitutional convention when petitions were received from a majority of the counties, signed by a majority of all the voters of the state. In Pennsylvania and Vermont the Council of Censors were to propose amendments which were to be considered by special convention, elected not less than six months after amendments were proposed by the Censors.

† This provision gave rise in practice to much corruption.

‡ The wording of the constitutions (Pennsylvania, Sec. 15; Vermont, Sec. 14), gave opportunity for evasion, however, and this seems to have so resulted in practice.

§ Virginia, North Carolina, South Carolina, New Jersey, New York (through the Council of Appointment).

and in others they shared this power with the governor and council. In no state could the governor exercise this power without the approval of his council. In Georgia, however, nearly all of the important officers were elected directly by the people. The importance of the legislature was furthermore expressly enhanced in most states by limitations upon the pardoning power. In only four states* could the chief executive exercise this power alone; in three † of these states he could not pardon in cases of impeachment and when otherwise directed by law, and more specifically in New York he was forbidden the exercise of this power in cases of impeachment, treason and murder. In Massachusetts and New Hampshire (1784) the chief executive with his council could pardon in all cases except impeachment; in New Jersey the governor with his council (as a court of appeals) could exercise unrestricted pardoning power; in Pennsylvania and Vermont the chief executive and council could pardon except in cases of impeachment, treason and murder, and in Virginia except in cases of impeachment and "where the law should otherwise direct." In Georgia‡ all pardoning power was reserved to the legislature and in South Carolina the constitution said nothing about the subject. It thus appears that only in New Jersey was legislative and judicial action checked by an unlimited pardoning power exercised by an outside body.§ In no case could a chief executive dissolve the legislature; and only in New York could he prorogue without its consent, and then only for a period of sixty days during any one year. Thus by express provision the natural powers of the legislatures were augmented at the expense of the executives, but it is quite as much to the point to note that the former were in a position to gradually trench more and more upon the administrative functions of the latter.

* New York, North Carolina, Maryland, Delaware.

† North Carolina, Maryland, Delaware.

‡ The governor and council could merely reprieve until the next session of the legislature.

§ Even in that case the pardoning body was practically the tool of the legislature.

Owing to the dependence of the executives upon the legislatures both in respect to salaries and appointment (in many cases) the latter could quite easily absorb all administrative powers not expressly conferred upon the former, and could even seriously cripple the executive power in the exercise of those powers which were expressly conferred. If we turn to a consideration of the relations of the legislatures to the judiciaries under the revolutionary constitutions, we find much the same opportunity for excessive encroachment on the part of the legislatures and a corresponding lack of absolute security and independence on the part of the judiciaries.

VI. *The Judicial Department.*—In the first place it is well to note that most of the revolutionary constitutions had very little to say about the judicial department. The existing colonial courts, which for the most part constituted excellent judicial systems, were generally continued with few or no changes in form; and whatever reorganization occurred was effected by the respective constitutions only in very broad outline. As in the federal constitution, though generally not quite to the same degree, the details of judicial organization were left for statutory arrangement.

In every state but South Carolina* all judicial officers were dependent upon the legislature for their salaries. In four states,† all important judicial officers were dependent upon the legislature for appointment; in one ‡ upon the legislature and president, which practically amounted to the same thing because the president was little more than the tool of the legislature; in four states,§ upon the chief executive and council, and in all of these states but Massachusetts the council was dependent upon the legislature for its appointment; in New Hampshire (1784) upon the council and

* The South Carolina constitution fixed the salaries of the most important judicial officers.

† New Jersey, South Carolina, Virginia, North Carolina.

‡ Delaware. Each house also appointed three members of the court of appeals.

§ Pennsylvania, Vermont, Maryland, Massachusetts.

assembly; in New York largely upon the legislature through the Council of Appointment; in Georgia, directly upon the suffrage of the qualified electors (except the chief justice who was appointed by the legislature). The independence and efficiency of the judiciary were also imperiled in four states* by the limited term of office prescribed in the constitution,—in one of these states, Georgia, by the extremely short term of one year. In many states the legislature could also remove judicial officers. Furthermore in many states the legislature directly exercised extensive judicial functions, being in some cases a court of last resort. † But the possibilities of legislative encroachment did not end here. In many states the continued appointment of judicial officers (all or part) was not clearly mandatory, and in some of the states even the extinction of existing courts was possible under these constitutions. In most of the constitutions there was nothing absolutely to prevent adverse changes in the composition of the various courts, the subtraction of functions from these bodies and the conferring of the same upon the legislature or its creatures. It is well to remark, however, that in practice the system of courts established by these constitutions worked fairly well, but this was due rather to the personal virtues of the legislators than to the safeguards in the instruments themselves. It seems to me that all failed either in simply and unequivocally vesting all judicial functions in existing courts and such new courts as should from time to time be necessary; in providing proper regulations for the creation of such new courts; in placing salaries of judicial officers beyond legislative interference; in providing a good behavior tenure and properly guarding the same from unjust removals; in expressly forbidding legislative appropriation of distinctly judicial functions; or in

* Georgia, New Jersey, Pennsylvania, Vermont.

† e. g. The New Jersey Court of Appeals, and the New York Court of Impeachment and Errors. The South Carolina Court of Chancery was composed of the President and a majority of the Privy Council, all of whom were creatures of the legislature.

making the continued appointment of existing judicial officers clearly mandatory.

From the foregoing summary of the relations of the three departments it appears that, in spite of the very emphatic assertions of the principle of separation of powers in some of the constitutions under consideration, they all violated the principle in all or nearly all of the following ways: Direct legislative exercise of judicial functions; executive exercise of judicial functions; qualified negative of the executive; election of the chief executive by the legislature; election of the executive council by and from the legislature; appointment of executive and judicial officers by the legislature; presidency and vote of the chief executive or vice-executive in the upper house.

VII. *Relations between Church and State.*—In studying the relations existing between church and state under the revolutionary constitutions, one is impressed, I think, with the striking contrast between facts and pretensions. In almost every constitution were resonant and high-sounding clauses concerning the sacredness of religious liberty, in some concerning the wisdom and necessity of a complete separation of church and state, and yet in the self-same instruments one is almost equally sure of finding both of these principles wrenched and distorted to the utmost. This is not to be wondered at when one considers that only three of the colonies, Rhode Island, Pennsylvania and Delaware, had acknowledged the equality even of all Protestant sects, and only the last two of these colonies had extended this equality to Catholics. In most of the colonies public Catholic worship was illegal, and in some cases punished quite severely, and in New York and Massachusetts Catholic priests were liable to imprisonment and death.* It was only natural that the first state constitutions should

* As a rule, however, the laws against public Catholic worship in the colonies had become practically dead-letters by the middle of the eighteenth century; but their political disqualifications were enforced.

reflect this illiberal spirit, and come very far short of perfectly guaranteeing religious freedom for all sects, and yet, I say, these instruments loudly proclaim the principle of religious freedom.

The South Carolina constitution of 1778, distinctly declared the Christian Protestant religion to be the "established religion of this state," and proceeded to prescribe quite elaborate articles of faith for the same. At the same time this constitution provided that "all denominations of Christian Protestants demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil privileges," and also declared that "no person shall by law be obliged to pay toward the maintenance and support of a religious worship that he does not freely join in, or has not voluntarily engaged to support." * The Massachusetts Declaration of Rights declared public religious worship to be a duty, and commanded the legislature to require the towns to support at public expense "Protestant teachers of piety, religion and morality in all cases where such provision shall not be made voluntarily." †

The legislature was also empowered to "enjoin" attendance upon public worship. ‡ Who can tell to what lengths of inquisitorial zeal a Puritan legislature might go under the hovering protection of such a clause? The New Hampshire Bill of Rights empowered the legislature to require the towns to support Protestant clergymen at public expense. The Maryland Declaration of Rights empowered the legislature to

"Lay a general and equal tax for the support of the Christian religion; leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor in general of any particular county." §

* Art. 38.

† Art. 3.

‡ *Ibid.*

§ Art. 33. It is well to note, however, that the legislature never imposed such a tax.

The Georgia constitution provided that no persons, "unless by consent [shall], support any teacher or teachers except those of their own profession."* I think this clause would have empowered the legislature to require persons to support teachers of their own persuasion (though such a law could easily have been evaded).

In six of the states† none but Protestants, and in two others, ‡ none but Christians could be elected to the legislature or hold high office. In four states, Delaware, Pennsylvania, Vermont and North Carolina, members of the legislature and important officers were required to acknowledge the inspiration of the Old and New Testaments; in the last three of these, the doctrine of divine rewards and punishment; and in the first the doctrine of the Trinity. Five of the revolutionary constitutions § barred clergymen from election to the legislature or high office. The South Carolina constitution of 1778, in addition to other electoral qualifications, required electors to believe in God and a future state of rewards and punishments.

The New York constitution was the only one of these instruments that was absolutely free from the above objectionable inconsistencies. In this constitution religious liberty was quite perfectly guarded,|| and this fact is the more interesting to note because the discriminations here made in colonial statutes had been peculiarly harsh.

VIII. *Education*.—Only a few of the states inserted in their first constitutions provisions regarding education and except in the case of two states these provisions were not very satisfactory. The Georgia constitution simply provided that

"Schools shall be erected in each county, and supported at the

* Art. 56.

† New Hampshire (1784), Georgia, South Carolina, Pennsylvania, Vermont, North Carolina. The New Jersey constitution (Art. 19), also, by specifically providing that all Protestants could hold office, impliedly prohibited all others.

‡ Massachusetts, Maryland.

§ Georgia, Delaware, Maryland, New York, South Carolina.

|| Art. 38.

general expense of the state, as the legislature shall hereafter point out."*

The Pennsylvania constitution a little more specifically provided that

"A school or schools shall be established in each county by the legislature, for the convenient instruction of youth, with such salaries to the masters paid by the public, as may enable them to instruct youth at low prices; and all useful learning shall be duly encouraged and promoted in one or more universities."†

The North Carolina constitution contained exactly the same provision.‡ The Vermont constitution still more definitely provided that

"A school or schools shall be established in each town, by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town; making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this state, ought to be established by direction of the General Assembly."§

The Massachusetts and New Hampshire (1784) constitutions contained by far the most comprehensive provisions concerning education and learning. The latter instrument declared it to be

"The duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, science, commerce, trades, manufactures and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments among the people."||

The former instrument contained almost identical language,¶ and in addition made detailed provisions concerning

* Art. 54.

† Art. 44.

‡ Art. 41.

§ Sec. 40.

|| Poore's "Charters and Constitutions," Vol. ii, p. 1291.

¶ Massachusetts constitution, Cap. v, Sec. 2.

Harvard University.* These provisions would seem to furnish a constitutional foundation for the veriest paternalism conceivable, and it would have almost taxed the ingenuity of superhuman wisdom to have executed them.

IX. *Delegates to Congress.*—The Articles of Confederation, it will be remembered, required that delegates to the Continental Congress be annually elected in such manner as each state legislature should provide, subject to recall and with eligibility limited to three years out of six. These provisions simply struck an average between the provisions of the various state constitutions on the same subject. It may be well to briefly state the provisions on this point contained in these latter instruments.

The constitutions of New Jersey and New Hampshire (1776) did not provide in any manner for the election of delegates to congress. This perhaps is not to be wondered at when we remember that both of these constitutions were considered as merely temporary instruments and that when they were adopted it was scarcely expected that there would long be any occasion for a continental congress. The constitutions of Delaware, Maryland, Massachusetts, North Carolina, South Carolina (1776 and 1778) and Virginia provided that delegates should be annually elected by joint ballot of both houses. The constitution of New Hampshire of 1784 provided that delegates should be elected annually by each house separately. In Pennsylvania and Vermont delegates were to be annually elected by the Assembly. In New York each house was to nominate annually a full list and names occurring in both lists were to be declared elected. The Georgia constitution declared that delegates "shall be appointed annually," but does not state by whom they were to be appointed.† In practice, however, they were elected directly by the qualified electors.

In Maryland delegates were made ineligible three out of

* *Ibid.*, Sec. 1.

† Art. xvi.

every six years; in New Hampshire (1784), two out of every five years;* in Pennsylvania and Vermont, three out of every five years. In North Carolina delegates could not serve more than three years successively, but the constitution did not fix any definite period of ineligibility.† The Massachusetts constitution stated that delegates were "to serve one year," but made no statement regarding ineligibility. The Massachusetts constitution bluntly asserted that delegates could be "recalled," while the North Carolina, Vermont and Pennsylvania constitutions merely stated that delegates could be "superseded."‡

The Georgia constitution was peculiar in that it declared that delegates could sit, debate and vote in the House of Assembly. The Maryland constitution applied the principle of rotation in the election of delegates, so that two, at least, should be changed annually. This constitution also fixed the qualifications of delegates, said delegates being required to be twenty-one years of age, resident in the state for five years, and owners of real and personal property worth one thousand pounds current money. In New Hampshire a delegate was to have the same qualifications as the president of the state.

X. *Slavery*.—Only a few of the revolutionary constitutions made any direct reference to the subject of slavery. A few impliedly recognized the institution, and some contained prohibitory clauses of more or less mandatory effect. The constitution of South Carolina of 1778 conferred civil and political rights only upon "free whites."§ The constitution of Georgia conferred political rights only upon "whites."|| These constitutions evidently sanctioned slavery. It might

* This was plainly a violation of Article 5 of the Articles of Confederation, which forbade any one serving more than three out of six years.

† Article 5 of the Articles of Confederation fixed such a period. See above.

‡ I am unable to ascertain whether the differences implied in the terms *supersede* and *recall* were contemplated in these constitutions. Certainly practice took the form of recall in both these states as well as in others.

§ Art. 41.

|| Art. 9.

perhaps be argued that the use of the word "freemen" in those clauses of the constitutions of Maryland, North Carolina and Pennsylvania, which defined civil and political rights, recognized slavery as an institution. In the cases of Maryland and North Carolina I see no reason why such reasoning would not be valid, but in the case of Pennsylvania there was a clause in the declaration of rights which furnished a very good basis for an opposite argument. Article 1 of that instrument read as follows:

"That all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety."

It is certainly true that this language did not directly forbid slavery in Pennsylvania, but at the same time it is quite as direct and mandatory as that of the New Hampshire bill of rights, which was generally thought in that state to abolish slavery, and as that of the Massachusetts declaration of rights, which was construed by the supreme court of that state in 1781 to abolish slavery. The language of Article 1 of the New Hampshire bill of rights was as follows:

"All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good."

Article 1 of the Massachusetts declaration of rights read as follows:

"All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness."

The only revolutionary constitutions which made any direct reference to slavery were those of Delaware and Vermont. The former instrument declared:

"No person hereafter imported into this state from Africa ought to be held in slavery under any pretence whatever; and no negro, Indian

or mulatto slave ought to be brought into this state, for sale, from any part of the world." *

This language is clear and emphatic, but not mandatory; manifestly legislation was necessary to make it so. The language of the Vermont declaration of rights on this subject was the most direct and comprehensive of all the instruments under our consideration. Article 1 of that instrument declared that:

"All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. *Therefore no male person, born in this country or brought from over the sea, ought to be holden by law to serve any person as a servant, slave or apprentice after he arrives to the age of twenty-one years, nor female in like manner after she arrives to the age of eighteen years, unless they are bound by their own consent after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.*"

The constitutions of Virginia, South Carolina (1776), New Hampshire (1776), New York and New Jersey made no reference whatever to the subject of slavery.

XI. *Miscellaneous.*—Under this heading I wish to call attention to a number of provisions peculiar to but one or a very few of the revolutionary constitutions which do not readily admit of other classification, most of which, however, are none the less interesting.

Several of these instruments provided for a periodical enumeration of the electors of the respective states, but only three provided specifically for a census in the modern sense. The Massachusetts constitution provided for "a valuation of estates within the commonwealth, taken anew once in every ten years, at least, and as much oftener as the General Court shall order,"† and the New Hampshire constitution of 1784 provided for a similar "valuation of estates" once in every

* Art. 26.

† Cap. 1, Sec. 1, Art. 3.

five years.* The New York constitution did not specifically provide for a "valuation of estates," but did provide for a "census of the electors and inhabitants" of that state to be taken once in every seven years.†

The constitutions of Pennsylvania (Sec. 37), North Carolina (Sec. 43) and Vermont (Sec. 34) declared that the "future legislature" of the respective states should regulate entails in such a manner as to prevent perpetuities, but manifestly this language was too indefinite to be mandatory. Article 51 of the Georgia constitution more definitely provided—that "estates shall not be entailed; and when a person dies intestate, his or her estate shall be divided equally among their children." This was the only provision of the kind in any revolutionary constitution, and was very important.‡

While most of the revolutionary constitutions referred to a state militia, only four specifically required the levying, organization and training of the same. These were the constitutions of Georgia (Sec. 35), Pennsylvania (Sec. 5), Vermont (Sec. 5) and New York (Sec. 40).

The constitution of South Carolina of 1778 (Sec. 40) commanded a reform of the penal laws of the state with reference to less "sanguinary punishments;" but the time for such reform was not stated. The constitution of Pennsylvania (Sec. 38) vaguely commanded such reform "as soon as may be."

The constitutions of New Hampshire of 1784 and New Jersey forbade deodands and the forfeiture of the estates of suicides.

The constitutions of Virginia, New York and North Carolina forbade private purchases of lands from the Indians.

The constitutions of North Carolina, Pennsylvania and Vermont forbade the imprisonment of any person for debt,

* Poore, *op. cit.*, Vol. II., p. 1284.

† Art. 5.

‡ Between the years 1784-96 all the states followed the example of Georgia in decreeing equal distribution of intestate property.

/ after the *bona fide* delivery of all property for the use of creditors.

Four of the constitutions touched specifically upon the subject of naturalization.* The New York constitution (Art. 40) permitted naturalization laws but required the subject to renounce former allegiance and take an oath of allegiance to the state. The North Carolina constitution (Art. 40) declared that foreigners, after taking an oath of allegiance, could "purchase, acquire, hold and transfer land or other real estate," and after one year's residence in the state should be deemed "a free citizen." The constitutions of Vermont (Sec. 38) and Pennsylvania (Sec. 42) contained the same provisions as did the constitution of North Carolina, save that the former two instruments made the additional but elastic requirement of "good character."

The constitutions of Massachusetts and New Hampshire (1784) declared that no person duly convicted of bribery could serve in the legislature or hold office.† The constitution of Pennsylvania (Sec. 32) went farther and, in addition to this prohibition, declared that "any elector, who shall receive any gift or reward for his vote, in meat, drink, moneys or otherwise," should forfeit his right to elect for that time. The Maryland constitution (Art. 54) declared that both the briber and the bribed "should be forever disqualified to hold any office of trust or profit in the state."

The constitutions of North Carolina and Virginia fixed the boundaries of the respective states.‡ The constitution of New York (Art. 36) abrogated all grants of lands within that state made by the king of Great Britain or his agents after October 14, 1775.

It is interesting to note the somewhat rare practice of

* The Act of Parliament of 1746, concerning naturalization, was still in force in some states. This law prescribed as conditions for naturalization an oath of allegiance, a seven years' residence and the profession of the Protestant faith.

† Massachusetts Constitution, Pt. 3, Cap. vi, Art. 2, and New Hampshire Constitution (1784) in Poore, *op. cit.*, Vol. II.

‡ North Carolina Declaration of Rights, Art. 25, and Virginia Constitution, last section.

"rotation" provided for in a few of the revolutionary constitutions. The New York and Virginia constitutions provided for the retirement of one-fourth of the senators annually; the Virginia constitution also provided for the retirement of two of the eight councillors every three years; the South Carolina constitution (1778) provided for the retirement of one-half of the privy councillors every year; the Maryland constitution provided that at least two delegates to congress should be changed yearly; the Delaware constitution provided for the retirement of one-third of the members of the upper house annually. Article 8 of the same instrument prescribed a rather peculiar process of rotation in the privy council, as follows:

"Two members shall be removed by ballot, one by the legislative council, and one by the house of assembly, at the end of two years, and those who remain the next year after, who shall severally be ineligible for the three next years. The vacancies, as well as those occasioned by death or incapacity, shall be supplied by new elections in the same manner; *and this rotation of a privy councillor shall be continued afterward in due order annually forever.*"

According to this scheme the term of one-half of the council must have always been two years and of the other half three years.

There were several provisions peculiar to the constitutions of Pennsylvania and Vermont which are worthy of notice. One of the chief peculiarities of these instruments was the creation of a Council of Censors. This body consisted of two persons from each city and county in Pennsylvania, and of thirteen persons in Vermont, elected by the qualified electors. They were to be elected for the first time in Pennsylvania in 1783 and in Vermont in 1785, and in both states every seven years thereafter. It was the duty of this body in each state to inquire whether the constitution had been violated, whether the public taxes had been justly levied and collected, and whether the laws had been duly executed. They were given the power to send for persons, papers and records; to pass public censures; to order impeachments; and

to recommend the repeal of unconstitutional laws. These powers were conferred for one year. The censors by a two-thirds vote of the whole body elected, could call a convention for revising the constitution, but were required to publish proposed amendments six months before the election of said convention.

These same two constitutions contained the following principle of taxation:

"Before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clearly to the legislature to be of more service to the community than the money would be if not collected." *

The following clause in these same instruments would occasion considerable mirth among a certain class of modern American politicians:

"As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, *there can be no necessity for, nor use in establishing offices of profit, the usual effects of which are dependence and servility unbecoming freemen in the possessors and expectants*; faction, contention, corruption, and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature." †

The foregoing study has revealed several glaring defects in our earliest state constitutions, but on the whole perhaps these defects were no more numerous than one would expect when one remembers the circumstances under which these instruments were framed. For example, the most glaring defect of all, viz., the extreme power lodged in the hands of the legislatures, was no doubt directly due to the many aggravating experiences with the colonial governors both in the earlier periods and during the struggle amid which the

* Constitution of Pennsylvania, Sec. 41. Constitution of Vermont, Sec. 37.

† Constitution of Pennsylvania, Sec. 36. Constitution of Vermont, Sec. 33.

first constitutions were formulated. But faulty or otherwise, it is important to note that these first state constitutions were little more than the pre-existing colonial constitutions adapted to the changed circumstances. The statesmen composing the various state conventions were neither dominated by doctrinarianism nor by the spirit of servile imitation of foreign models. Their work was neither destructive nor creative, but preservative and selective. In almost every case the principal constitutional usages, which had been developed during the colonial period, were preserved. And yet there was large room for statesmanship in the final and detailed formulation of these usages, in their adaptation to the changed conditions, as well as in the exercise of good judgment in occasionally curtailing or enlarging the provisions of the colonial constitutions. In these revolutionary instruments the whole structure and the functions of each department of government were more clearly defined. The upper house, in particular, which had previously been based upon appointment had to be thoroughly remodeled. For this work no foreign model whatever existed, and hence we have found a great variety of provisions concerning this body in the various instruments considered. But the functions of the upper houses in general remained the same as those of the colonial council, save that the function of giving executive advice under the colonial system was conferred upon a separate body by the first state constitutions, *i. e.*, the colonial council was split into two parts, so to speak, the executive council and the upper house. Then, too, in all the states, except Rhode Island and Connecticut, the executive had to be thoroughly reorganized and republicanized by the first state constitutions. But in none of these changes was the identity of the colonial constitutions destroyed.

It would hardly seem adequate to conclude our study of the revolutionary constitutions without briefly noting their influence upon the formation and adoption of the federal constitution. Until quite recently two very erroneous

theories concerning the sources of this latter instrument have prevailed, and one or the other of these theories has seemingly tintured the work of most historians of the constitution. According to one of these theories, the federal constitution is a creation out of hand of an absolutely new frame of government; and according to the other view, it is only a "faithful copy" of the "contemporary constitution of England." We must steer midway between the two theories for the true view. ✓

We have just seen that the first state constitutions were little more than formulations of pre-existing colonial usages. ✓ Just so, the federal constitution was very largely the product of a wise selection of the best and most generally observed usages of the various states. The truth is, and this indeed seems most natural, that from the very beginning of American history even to the present, all of our institutions, local and federal, have been constantly growing, and were not at any stage the product of manufacture. All our federal and state constitutions have been the result of this continuous growth, in which there has been no serious break. It is artificial in the extreme to regard the Revolutionary War as an impassable gulf between colonial and national development. Either of the above theories fixes such a gulf. We must remember that there were few destructive elements in the American Revolution. Previous industrial, legal, social and political habits and practices necessarily continued, and the formulation of the first state constitutions at the very outset of our revolutionary struggle was one crystallized result of this fact. But institutional development in America was not to stop at this stage. The inevitable destiny of American constitutional development was a federal republic. Local institutions, fundamentally similar, necessarily expanded into a federal system of government. Signs of its coming had been revealed even during the colonial period. The federal constitution was not the beginning but the climax of American institutional development. Necessarily, J

then, the federal constitution was adapted to the already existing state constitutions, the two systems were made to fit formally.

The absurdity of the antiquated theory that the federal constitution was the fiat-creation of the "fathers" is made evident the very instant one applies critical thought and good judgment to the subject. The fifty-five members of the federal convention were not demi-gods, and did not possess the superhuman wisdom necessary for creating an absolutely new constitution that would work admirably for over a century. Indeed the careful student of the period of the formation and adoption of the constitution knows full well that there was little room for mere theory in the federal convention. As Mr. Patterson of New Jersey remarked in that body, "We must follow the people; the people will not follow us." Even the most innocent theoretical suggestions and ventures were scouted and borne down in the intense spirit of practical statesmanship which prevailed. Practical interests and individual views were too many and too conflicting to admit of theoretical constitutional formations. No one of the "fathers" had sufficient mental and moral ascendancy to palm off his constitutional theories upon the others. No theory could possibly have run the gauntlet of "large" and "small" state interests; commercial and agricultural interests; debtor and creditor interests; slave-holding and non-slave-holding interests.

On the other hand, it is the most natural supposition imaginable that the pre-existing state constitutions would very greatly influence the formation and adoption of the federal constitution. From one-third to one-half of the members of the federal convention had been members of the conventions which framed the several state constitutions, and a very large number of the members of the various ratifying conventions had also had a part in the formation of the respective state constitutions. Add to these facts the eminently conservative character of the Americans of the

time, and it would seem strange indeed if the "fathers" should have departed very far from the constitutional forms already worked out on American soil and already embodied in the first state constitutions. If we should take a further step and find a strong actual resemblance, not only in outline but also in detail, between the federal constitution and all or a part of the already existing state constitutions, I think the suspicion would be warrantable that the latter had exerted a strong influence upon the former. Indeed, the burden of proof would almost seem to lie with those who cherish the opposite opinion. Now, as a matter of fact, such a resemblance does actually exist. It would be an easy task to show that most of the purely formal provisions of the federal constitution did actually exist already in one or more of the constitutions which have been outlined in the foregoing pages. Furthermore, conscious imitation of the state constitutions on the part of the framers of the federal constitution could be quite conclusively shown by a careful examination of available documentary evidence. The sources for such evidence to which one would most naturally turn are three in number, the debates of the federal convention, the debates of the various ratifying conventions, and the current pamphlet literature concerning the constitution. In seeking for such evidence however, one meets with some great difficulties. Much of the imitation alluded to was so very natural and spontaneous that it probably would not be noted in set speeches. Another great difficulty exists in the fact that the debates in all these conventions were not very fully reported. But in spite of these difficulties, enough evidence exists, I think, to show quite conclusively the conscious influence of the first state constitutions, both in detail and general outline, upon the federal constitution.*

As to the other erroneous theory, a careful examination of the above sources makes it equally certain that the

* Cf. paper by Professor J. H. Robinson on "The Original and Derived Features of the Constitution," in *ANNALS*, Vol. 1, pp. 203-43.

"contemporary English constitution" did not exert anything like the influence upon the formation of the American federal constitution, that the advocates of this theory have taken for granted. But no one can deny that English influence was felt to a certain extent in the development of the various colonial constitutions. Both nations are Anglo-Saxon, accordingly the child was necessarily influenced by the parent. The child inherited traits, and yet in the course of his individual development he became very different from the parent. The similarities are rather general analogies than similarities of detail, and these analogies exist more as a result of a certain influence produced far back in the embryonic period of American development, than at any later time. Certainly neither the federal constitution nor the state constitutions were faithfully copied from the English constitution.*

Perhaps enough has been said to emphasize the very great importance of the revolutionary constitutions and bills of rights (and back of them the colonial constitutions) as the real foundation of American constitutional law. If so, the author of this paper has accomplished his purpose. It was with a belief in the importance of such a study, both to the scholar and the layman, that the author ventured to put together in convenient topical form the leading features of these instruments. But he wishes to make it perfectly clear that he regards these instruments as only the foundation for a proper study of American constitutional law. Equipped with a rich inheritance from the colonial régime, the American has from the first moment of independence been constantly developing his constitution, both state and federal, liberalizing and adapting it to constantly changing conditions, and this by the double process of constitutional amendment and judicial interpretation. It is also of supreme importance,

*It does not seem to the author, however, that the *exact extent* of English influence upon the development of the various colonial constitutions has yet been adequately shown.

both for the scholar and the educated citizen, to trace these subsequent changes not only in the federal but also in the state constitutions. In the opinion of the author one phase of this subject has been thus far neglected by students, namely, a satisfactory and careful comparative study of the leading phases of state constitutional development. It would seem that the importance and practical utility of such studies would warrant and abundantly repay those endowed with ample time and ability for so large a task.

WILLIAM CLARENCE WEBSTER.

New York City.

PROCEEDINGS OF THE ACADEMY.

(Continued from p. 151, Vol. VIII of the ANNALS.)

The Thirty-sixth Scientific Session of the Academy was held in Philadelphia, on November 20, 1896, at 4 p. m., in the lecture room of the Young Men's Christian Association.

The secretary announced that the following papers had been submitted since the last meeting of the Academy:

371. By Professor WM. C. MOREY, of Rochester University: *The Evolution of Peace.*

372. By D. S. REMSEN, Esq., of New York City: *The Fusion of Political Parties.* Printed in the ANNALS, July, 1896.

373. By Professor LESTER F. WARD, of Washington, D. C.: *The Principles of Sociology.* Printed in the ANNALS, July, 1896.

374. By J. P. DAVIS, Ph. D., of Brooklyn, N. Y.: *The Union Pacific Railway.* Printed in the ANNALS, September, 1896.

375. By GUY C. LEE, Esq., of New York City: *Bracton: A Study in Historical Jurisprudence.*

376. By Hon. MARTIN A. KNAPP, of the Interstate Commerce Commission: *Railway Pooling.* Printed in the ANNALS, July, 1896.

377. By K. NAKAMURA, Esq., of Cambridge, Mass.: *The Place and Presuppositions of Political Economy.*

378. By ERNEST L. BOGART, Esq., of Princeton, N. J.: *Financial Procedure in the State Legislatures.* Printed in the ANNALS, September, 1896.

379. By Professor Dr. P. SIGEL, of the University of Warsaw, Russia: *Sociology and Politics.*

380. By Professor F. H. HODDER, of the University of Kansas: *The Duty of the Scholar in Politics.*

381. By O. J. PROST, Esq., of Denver, Colo.: *Notes upon Money.*

382. By P. I. HERRIOT, Esq., of Grinnell, Ia.: *The State Finances of Iowa.*

383. By MAX WEST, Esq., of Washington, D. C.: *The Income Tax Decisions and the National Revenues.*

384. By W. H. SCHOFF, Esq., of Philadelphia: *A Neglected Chapter in the Life of Comte.* Printed in the ANNALS, November, 1896.

385. By Professor SIMON N. PATTEN, of the University of Pennsylvania: *The Relation of Sociology to Psychology.* Printed in the ANNALS, November, 1896.

386. By Professor A. S. HERSHEY, of the University of Indiana. Nationalities in Europe.

387. By Professor WM. A. SCOTT, of the University of Wisconsin: The Quantity Theory of Money. Printed in the ANNALS, March, 1897.

388. By F. W. WHITRIDGE, Esq., of New York City: The Cleveland-Olney Doctrine.

389. By J. D. FORREST, Esq., of Chicago: Professor Giddings' "Consciousness of Kind."

390. By TALCOTT WILLIAMS, LL. D., of Philadelphia: The Money Question.

391. By JOHN E. GEORGE, Esq., of Cambridge, Mass.: The Saloon Question in Chicago.

392. By F. B. EMBREE, Esq., of Evanston, Ills.: The Housing of the Poor.

393. By Professor W. G. L. TAYLOR, of the University of Nebraska: Values, Positive and Relative. Printed in the ANNALS, January, 1897.

394. By CARL STROEVER, Esq., of Chicago: Utility and Cost as Determinants of Value.

395. By Professor FRANK FETTER, of Indiana University: A Translation of Schmoller's "National Economy, Economics and Economic Method."

Professor Roland P. Falkner, of the University of Pennsylvania, read a paper on "The Organization of the Census." This subject was discussed by Mr. Lorin Blodgett, of Philadelphia.

The Thirty-seventh Session of the Academy was held in Philadelphia on December 18, 1897, at 8 p. m. at Horticultural Hall.

The secretary announced the receipt of the following papers since the last session of the Academy:

396. By Professor EDMUND J. JAMES, of the University of Chicago: The First Apportionment of Federal Representatives in the United States. Printed in the ANNALS, January, 1897.

397. By Professor ROLAND P. FALKNER, of the University of Pennsylvania: Crime and the Census. Printed in the ANNALS, January, 1897.

398. By Professor J. C. BRANNER, of the University of California: A Translation of Nabuco's "The Monarchical Cause in Brazil."

399. By Rev. A. DRÄHMS, of San Quentin, Cal.: Arbitration and the United States.

400. By Professor C. G. TIEDEMAN, of the New York University: Silver Free Coinage and the Legal Tender Decisions. Printed in the *ANNALS*, March, 1897.

401. By Professor H. H. POWERS, of Stanford University: An Idea on Distribution.

402. By Professor E. LEVASSEUR, of Paris: The Concentration of Industry and Machinery in the United States. Printed in the *ANNALS*, March, 1897.

Professor Nicholas Murray Butler, of Columbia University, read a paper on "The Administration of City Schools." This subject was discussed by Dr. Edward Brooks, Superintendent of Public Schools, Philadelphia, by Dr. N. C. Schaeffer, Pennsylvania State Superintendent of Public Instruction, and by Dr. R. E. Thompson, President of the Philadelphia High School.

The Thirty-eighth Session of the Academy was held in Philadelphia, on February 25, 1897, at 8 p. m., in the Hall of the College of Physicians and Surgeons.

The secretary announced that the following papers had been submitted since the last meeting of the Academy:

403. By W. C. WEBSTER, Esq., of New York City: A Comparative Study of the State Constitutions of the American Revolution. Printed in the current number of the *ANNALS*.

404. By Professor CHARLES H. COOLEY, of the University of Michigan: Genius, Fame and the Comparison of Races. Printed in the current number of the *ANNALS*.

405. By Professor J. H. HYSLOP, of Columbia University: A Reply to Mr. Lecky—A Constructive Criticism.

406. By TALCOTT WILLIAMS, LL. D., of Philadelphia: Silver in China. Printed in the current number of the *ANNALS*.

407. By Professor ROLAND P. FALKNER, of the University of Pennsylvania: In Memoriam—Francis A. Walker. Printed in the *ANNALS*, March, 1897.

408. By C. W. BROUGH, Esq., Baltimore, Md.: The Finances of Ogden City, Utah.

409. By Professor J. K. INGRAM, of the University of Dublin: Auguste Comte and One of His Critics.

410. By Dr. L. R. HARLEY, of Philadelphia: The Functions of a National University.

411. By E. DANA DURAND, Ph. D., of Albany, N. Y.: Political and Municipal Legislation in 1896. Printed in the ANNALS, March, 1897.

Dr. Edward T. Devine, Secretary of the Charity Organization Society of New York City, read a paper on "The Shiftless and Floating City Population." This subject was discussed by Joseph G. Rosengarten, Esq., and by Dr. James W. Walk, of Philadelphia, and by Professor S. M. Lindsay and Dr. W. E. B. Du Bois, of the University of Pennsylvania.

The Thirty-ninth Session of the Academy was held in Philadelphia, on March 26, 1897, at 8 p. m., in the Hall of the College of Physicians and Surgeons.

Professor Sidney T. Sherwood, of the Johns Hopkins University, read a paper on "The Philosophic Basis of Economics: A Word to the Sociologists." This subject was discussed by Professor Lester F. Ward, of Washington, and by Professors Simon N. Patten and Henry R. Seager, of the University of Pennsylvania.

PERSONAL NOTES.

London.—Sir Travers Twiss, the eminent juriconsult, died in London on the fifteenth day of January, 1897. Dr. Twiss was born in Westminster, March 19, 1809. He graduated from University College, Oxford, in 1830, and became a fellow and tutor of the college. In 1838 he was elected member of the Royal Society, from 1842 to 1847 he was Professor of Political Economy at Oxford, and from 1852 to 1855 Professor of International Law in King's College, London. In the latter year he resigned and became Regius Professor of Civil Law at the University of Oxford. Dr. Twiss was also a Queen's counsel, a bencher of Lincoln's Inn, and Queen's Advocate-General. He was knighted in 1867, and in 1872 resigned all his appointments. Among his works are :

"*The Oregon Question.*" 1846.

"*View of the Progress of Political Economy in Europe Since the Sixteenth Century.*" 1847.

"*The Relation of the Duchies of Schleswig and Holstein to the Crown of Denmark and the Germanic Confederation.*" 1848.

"*The Letters Apostolic of Pope Pius IX., Considered with Reference to the Law of England and the Law of Europe.*" 1851.

"*Lectures on the Science of International Law.*" 1856.

"*The Law of Nations, Considered as Independent Political Communities.*" 1861.

"*Law of Nations in Time of War.*" 1863. Published in French in 1886.

"*The Black Book of the Admiralty.*" 1874.

He had also been a contributor to law and other magazines.

BOOK DEPARTMENT.

NOTES.

THE COLLECTION ENTITLED "*Annales de la Société d'Économie politique*" (1846-1887) has just been completed, in sixteen volumes, under the editorial supervision of M. Alph. Courtois, the permanent secretary of the society, and is now to be sold to subscribers at the rate of 100 francs for the set.* In addition to an interesting sketch of the history of the society, these volumes contain the papers presented at the monthly meetings during the whole forty years covered, communications of all sorts concerning topics of current interest and reports of the discussions which these excited, reviews and notices of economic publications, etc., etc. There is thus scarcely a single topic of economic or social importance which does not receive some attention in these pages and to the student who is desirous of ascertaining what French economists have been thinking about during the last fifty years the collection will prove invaluable.

THE EIGHTH VOLUME of Booth's "*Life and Labour of the People of London*"† completes the "analysis of the population by trades," which was begun in the fifth volume, while the "summary of the general results of the investigation," which was promised for this number, has been relegated to the ninth volume. The divisions of the population whose industrial conditions were left for this volume to describe are: (1) Public service and professional classes, (2) domestic service, (3) the "unoccupied" classes and (4) inmates of institutions.

The general scheme of statistical presentation followed in the preceding volumes has been continued in this so far as it was applicable to the somewhat anomalous character of the divisions under treatment. The description of the civil service is of interest to American readers. The civil servant is on the whole better off than the majority of workers in private employment whose position can be compared with his, largely because of his superior security of tenure.

The description of army life is very plain and matter of fact, yet abundant ground is given for a desire that it might be abolished. One

* After three hundred subscriptions have been received the price for remaining sets is to be 144 francs. Communications should be addressed to M. Alph. Courtois, 14 rue Richelieu, Paris.

† *Life and Labour of the People of London*. Edited by CHARLES BOOTH, Vol. viii, "*Population Classified by Trades*" (continued). Pp. 480. Price, \$3. London and New York: The Macmillan Co., 1896.

of the gravest difficulties consists in finding employment for the 16,000 men who every year pass from the colors to the reserve.

The final third of the volume is taken up with a detailed account of the paupers, mostly inmates of the workhouse, relieved by the Stepney Poor-Law Union. It is a reprint with but slight changes of chapters in the book on pauperism and the endowment of old age, published in 1892. The matter taken entirely from the records of parochial relief, is given in crude, undigested form, but is not without interest. Compared with American conditions there is evidence of a much harder struggle for existence. Out of 1194 cases of pauperism, 224 were attributed to old age as the chief cause of need, and 355 to sickness and accident. In respect to 58, however, of the 224 cases attributed to old age, vice, drink, pauper associations, and extravagance, are mentioned as contributory causes, and in 20 others of the 224, vice and drink are mentioned in the descriptions of the families. In many other cases no doubt bad habits were a contributing cause though they did not come to the knowledge and records of the relieving officer. Yet with all these allowances made there is evidently a volume of unmerited and struggling poverty quite unknown in American industrial communities.

A MUCH NEGLECTED line of investigation has been taken up by the Economic Club during the last five years into the consumption of typical English families, of which the first fruit is a scholarly monograph containing the "budgets" of twenty-eight families running over a period of three years.* Messrs. Charles Booth, Ernest Aves, and Henry Higgs constituted the committee in charge of the work, and in a short "introduction" explain the purpose which they have held in view while thus following "humbly and at some distance in the footsteps of Le Play." They are very modest in the claims which they make for their investigation, admitting frankly that few safe generalizations can be based upon it, and at the same time are careful to give their information in such a way that the reader can himself judge of its accuracy and arrive at independent conclusions. The greatest merit of the work is, perhaps, the clear view which it gives of the difficulties which such an investigation encounters. Comparatively few families can be induced to keep budgets at all. Those which will undertake the task or furnish the requisite information are hardly typical in the sense of representing the average family of their class. When so few budgets are collected, a comparison between

* *Family Budgets: Being the Income and Expenses of Twenty-eight British Households, 1891, 1894.* Compiled for the Economic Club. Pp. 67. Price, 2s. 6d. London: P. S. King & Son. 1896.

them is confusing rather than helpful, as it emphasizes differences rather than similarities. However these twenty-eight budgets are not without their lessons to the student of social problems. They emphasize the important function of the wife as the *economist* of the laborer's family. They explain why the poor in great cities are so reckless in matters of marriage. They throw some light on the tendencies toward concentration in retail trade, and finally they point the way which economic investigations must follow in future if the science is to be brought into closer harmony with the facts of social and industrial life. The short sketches of the families which precede the accounts of their expenditures are full of interest and give a meaning to the figures which follow, which statistics usually lack. If a similar method were always followed in the presentation of social statistics, results arrived at by this road would command more respectful attention than is usually accorded to them.

A LITERARY MONUMENT of the recent millennial exhibition at Budapesth has been issued by authority of the Hungarian Minister of Commerce, in a volume entitled "The Millennium of Hungary and Its People."* Its purpose is to depict the prevailing political, economic and intellectual conditions in Hungary. To ensure its wider circulation, the book has been printed not only in the official languages of the Hungarian dominions, Magyar and Croatian, but also in German, French and English. The volume is what in these days we delight to call a "symposium," to which eminent writers in many fields have contributed. In the twenty-eight chapters which make up the volume, we find a wealth of information which will satisfy the appetite not only of the general reader, eager for information regarding the nation which has so long stood as the outpost of western civilization in Eastern Europe, but also of the specialist in political science, who finds here an authoritative statement of the Hungarian constitution and the peculiar relations of the Hungarian State to the Austrian, as well as the equally interesting but less widely known relations of Croatia-Slavonia to the parent Hungarian stem. Not less valuable are the essays which depict the striking ethnographical conditions of Hungary, the relations of its nationalities, its demographical conditions and its economic activities. The purpose of the work is eminently patriotic, and the reader will hardly find fault with the sturdy national feeling which pervades its pages. It is an interesting document of the Hungarian's estimate of his native land. Those

* *The Millennium of Hungary and Its People*. Edited by Dr. JOSEPH DE JÉKEL-FALUSSY. Pp. 672. Budapesth, 1897.

who read its pages carefully will recognize that the estimate is well grounded, and will share the hopes of the writers, that the lustre of Hungary's achievements in the civilization of Eastern Europe may not be dimmed.

IT IS WITH REGRET that we record the publication of another work by Mr. Michael G. Mulhall entitled "Industries and Wealth of Nations."* Like his previous works, this pretends to be a serious statistical treatment of his subject, and with many will doubtless rank as such. Mr. Mulhall, however, does not confine himself to the published records of statistical offices, but supplies gaps in a manner peculiarly his own. He frankly explained his methods in the *Contemporary Review* of October, 1890. One illustration of many will suffice. "The wealth of nations consists of ten items, all of which can be measured to a nicety, except one, the value of public works. Land, for example, is worth thirty times the assessed annual rental valuation. Houses are worth eighteen times the rental. Furniture (according to insurance agents) is always worth half the value of the house," etc., etc. Knowing these fixed and invariable ratios, though how Mr. Mulhall came into the possession of such mysteries he does not reveal, he can readily obtain any desired figure. The book before us has ample evidence that its figures are in many cases based upon like methods. Of course, there is no direct indication of what is fact and what is conjecture. As a work of reference for scholars, therefore, the book is utterly worthless. One cannot but regret the labor that has been spent in its preparation. Doubtless much of its data is correct and official, but so long as conjectural statistics play so large a role the whole must be rejected.

STUDENTS WHO HAVE found Dr. Stammhammer's "*Bibliographie des Socialismus und Communismus*" serviceable, will welcome the appearance of an equally exhaustive bibliography of the literature of current social and political problems (*Socialpolitik*)† from the same author. As in the earlier work, so here the alphabetical catalogue of authors and their writings, is followed by a subject catalogue containing references under each topic to all of the separate titles which have preceded. Thus the reader can readily turn to the literature of any question in which he may be interested, and will be gratified to find references not only to books and pamphlets, but also to periodical

* *Industries and Wealth of Nations*. BY MICHAEL G. MULHALL. Pp. 451. Price, \$3.00. London and New York: Longmans, Green & Co., 1896.

† *Bibliographie der Socialpolitik*. Bearbeitet und herausgegeben von JOSEF STAMMHAMMER. Pp. iv, 648. Price, 18 marks. Jena: Gustav Fischer, 1897.

writings. The bibliography will be found especially rich in regard to the labor problem and the question of poor relief, but so far as we have been able to discover, no important topic is omitted, and under each heading a sufficient number of references is given to tax the resources of even the best equipped library. German literature is, of course, more completely reviewed than English, French or Italian, but in the treatment of such a peculiarly English topic as the Irish question the references are so full and complete that it is doubtful if an English bibliography could have done better. Detailed criticism of such a monumental compilation must be left to time and the co-operative work of students of all lands. For the present we can only express our gratitude for this latest product of German thoroughness and industry.

REVIEWS.

Heures de Travail et Salaires. Étude sur l'amélioration directe de la condition des Ouvriers industriels. By MAURICE ANSIAUX. Pp. 299. Paris: Felix Alcan. Bruxelles: Larcier, 1896.

In his treatment of the labor problem M. Ansiaux is an optimistic conservative. He believes strongly in the necessity and the possibility of improvement in the conditions of the laboring classes, but rejects as impracticable the remedies and reforms proposed by extremists of all classes. His book does not add much, if anything, to our knowledge of the conditions of labor in different parts of the world. Its purpose is rather to analyze well-known conditions and the remedies proposed for their improvement, and to show what is and what is not practicable and along what lines and how, better conditions may be attained.

M. Ansiaux finds the chief causes of the labor problem in the following facts: (1) A permanent wage-earning class which owes its existence to the concentration of industry, occasioned by the widespread use of machinery; (2) Competition on an international scale which has made a progressive cheapening of the cost of production a condition of business success; (3) An over-development of the instrumentalities of production, caused by the concentration of wealth, and leading to the problem of the unemployed. Under these new conditions progress for the laboring class can only be attained through the improvement of the conditions of the wage-earner as such. He cannot as a rule hope to better himself by rising to the rank of master or entrepreneur. A wage-earner he must remain, and, as such, through a progressive shortening of the working day and a progressive rise in wages, he must keep pace with the onward movement of civilization.

The question is, how can the length of the working day be shortened and at the same time the income of the average laboring man increased? The plans and propositions of the socialists are considered first by the author, and are found to be impracticable. He has little difficulty in proving much of their reasoning fallacious and many of their schemes utopian. In the opinion of M. Ansiaux no plan for the improvement of the conditions of the laboring man can offer any hope of success which involves an increase of the cost of production. Unless a shorter working day and higher wages carry with them, as an effect, a corresponding increase in the efficiency of labor, they cannot, he claims, be permanent or beneficial to the laboring class in the long run. Accordingly he investigates in chapters xv. and xviii. the relation between the length of the working day, the height of wages, and the efficiency of the laborer. His conclusion is that, wherever the length of the working day is excessive, its shortening will be accompanied by an increase in efficiency. The same may be said of a rise of wages from a point that is inhumanely low. The point, however, at which the shortening of the working day and the increase of wages cease to increase efficiency is different in different industries and varies with different classes of laborers. It follows that the limits within which it is possible to decree a general rise of wages or a general shortening of hours in all industries are very narrow, but it does not follow that great changes along these lines may not be practicable in particular industries. Indeed, M. Ansiaux shows that, through modifications of the methods of remuneration, calculated to establish the closest possible connection between the amount of pay received by a particular workman and the quantity and quality of his work, and through improvements in the organization of labor and in the instrumentalities of production, continuous, and, in many cases, great changes in hours and wages may be made possible.

The last four chapters of the book treat of the possibility and the methods of educating employers and employes to a recognition of their mutual interests, rights and obligations, of the functions of trade unions and strikes, of the duty of the state, and of the utility of conciliation and arbitration in the attainment of shorter hours and higher wages. In the discussion of these difficult subjects M. Ansiaux exhibits good judgment, unusual freedom from prejudice, excellent powers of analysis, and a praiseworthy desire to be of real service to both employers and employes.

All things considered the book is an excellent illustration of the application of the scientific habit of mind and of the scientific spirit to the solution of a difficult social question.

WM. A. SCOTT.

University of Wisconsin.

The Suppression of the African Slave Trade to the United States of America, 1638-1870. By W. E. BURGHARDT DU BOIS. Pp. xi, 335. Price, \$1.50. New York and London: Longmans, Green & Co., 1896.

The printing-press has become more and more prominent in the past generation as an ally of the university, and Harvard's historical department now falls in line with those of other educational institutions and begins the publication of a series of studies. This publication is made possible by the income from the Henry Warren Torrey Fund. The book before us is the first of the series, and in paper, typography, and style of binding is eminently satisfactory. Two other volumes in the same series were published in 1896, and, apparently, three volumes may be looked for each year in future. Mr. Du Bois has done a thoroughly good piece of work. His research has been exhaustive and accurate and he has so incorporated the results of that research that the reader has a true book and not an ill-digested collection of facts. The author has learned that great lesson for the historian; the knowledge of what should be put in the text and what left to the foot-notes. It may be added that his references are exceedingly minute and, therefore, peculiarly serviceable.

We question whether Mr. Du Bois is not too severe in his condemnation of the founders of our national constitution for their compromise on the slave trade. While the South had not begun to defend slavery at that time, the North also had not been inspired with that fierce indignation against the "peculiar institution" which nerved her arm to such vigorous attacks against it in later years. The advantages of union were so great and the margin by which it was finally secured was so narrow, that we can easily understand how the Federalists made all things bend to the one object. There is no doubt, however, of the truth of the terrible indictment the author draws against the United States, which did not tax the slave trade, when it was in their power to do so, and which scarcely attempted to enforce the prohibitory act of 1807. Some circumstances may be urged by way of palliation, none by way of excuse. This indictment is not made with passionate invective, but through the careful statement of well-ascertained facts.

The author has done well in disentangling the mingled political, moral, and economic elements, which run through every phase of the slavery question. He has shown that the slave trade of Americans with Africa, was by no means confined to American ports, nor to those secluded inlets where the slavers smuggled in their captives; but that much profit was made by Americans carrying African slaves to the South American countries, and that several states discriminated in favor of this foreign trade, when they forbade the introduction of

slaves into their own territory. The various developments of the slave trade in the "planting," "farming," and "trading" colonies is well described. Attention is called to the influence which the Haytian revolt, under Toussaint l'Ouverture, had upon the passage of our federal prohibitory act. We wished no slave insurrection. The international attitude of the United States receives full discussion, including such topics as the proclamation of the slave trade as piracy, the question of the right of search, the quintuple treaty, and the joint squadron on the coast of Africa.

It is most interesting to see how the status of the slave trade varied. At first, everywhere legal, it was gradually abolished by law in every state. Then, as the economic value of slavery in the South became more clearly known, and as ideas of commercial profit gradually gained ground over those of morality, there came to be large numbers of men, who, by connivance in the traffic, favored the importation of slaves. Through this influence and the apathy of the general government in the matter, it came about that the prohibitory laws were wretchedly enforced, and that large numbers of African negroes were surreptitiously introduced into the United States. Just before the outbreak of the Civil War, there was a decided growth in the South of the sentiment favoring the reopening of the foreign slave trade, and Mr. Du Bois gives a clear account of the efforts made toward this end. The combat between the forces of slavery and freedom was indeed an "irrepressible" one; and, with the appearance of every such faithful study as this, we see more clearly that the nation could not continue half free and half slave.

Over one-third of the book is composed of appendices (pp. 201-325). Some of the matter contained in these appendices is a duplication of the foot-notes, and space might have been saved by reference thereto, but it is very convenient to have all the material in one place. Appendices *A.* and *B.* form a chronological conspectus of colonial, state, national and international legislation on the slave trade, which is of great value, though the propriety of including under this head, the protests of the Society of Friends is very doubtful. The third appendix is a most interesting chronological table of typical cases of vessels engaged in the American slave trade; while the fourth is a bibliography of the whole subject. This is quite an extensive list, and evinces much research. It is not clear why the laws of Alabama and Mississippi Territory are placed under the heading "Colonial Laws." The papers on slavery in the Johns Hopkins University Studies are not mentioned, which is especially an oversight, as it causes the omission of Brackett's useful work on the "Negro in Maryland." Other omissions are Barber's "History of the Amistad Captives," New

Haven, 1840; S. E. Baldwin's paper on the same subject in New Haven Colony Historical Society's Papers, Vol. IV, and Tremain's "Negro in the District of Columbia," in the Nebraska University Studies. On page 20, Mr. Du Bois states the return of sixteen slaves in Vermont in the census of 1790, is an error. This may be true, but that slaves were held in Vermont seems to be established by Jennings' "Memorials of a Century" (pp. 63-64).

BERNARD C. STEINER.

Johns Hopkins University.

The Speaker of the House of Representatives. By M. P. FOLLETT, Pp. xvi, 330-47. Price, \$1.75. New York: Longmans, Green & Co., 1896.

The political experience of the United States offers material for many valuable volumes on politics. But we lack political scientists who utilize this storehouse of facts. It is so easy to study the constitutionally constructed machinery; to show how the various parts are adjusted to one another and their loss of power through friction. But a large part of our political machinery is extra-constitutional. Unpatented, it is changed continually. The raw material which it weaves into legislation is varied and often difficult of discovery, for it lies embedded in the complex life of society. This makes it difficult to study the living and dominant political forces, and has led the political scientists of our country to avoid the rich fields of human experience and to deal with words and traditions rather than to face the facts of political life.

Personality is an element which must be reckoned with in attempting to explain the growth of institutions. The dignity and power of an office depend mainly upon the incumbent's character and his conception of the scope of his duties. This, of course, does not deny the existence of other important factors in the production of an office. Necessity is the mother of political offices as well as of invention. These observations were suggested by the method followed in the book under review. The author shows that while the Speaker is barely mentioned in the United States constitution, to-day his power is second only to the President's. While Miss Follett has laid considerable stress on the personal element in the development, she has not neglected to set forth the conditions which demanded an extension of the Speaker's authority.

The book begins with a brief historical sketch, under "Genesis of the Speaker's Power," and is continued under the following chapter headings, which indicate the scope of the work: "Choice of the

Speaker;" "The Personal Element in the Speakership;" "The Speaker's Parliamentary Prerogatives;" "Maintenance of Order;" "Dealing with Obstruction;" "Power through Committee System;" "Power through Recognition;" "Power as a Political Leader;" "The Speaker's Place in Our Political System."

Most persons realize, as each Congress meets and the contest for choice of Speaker is going on, that the speakership is the most important office in the gift of the House. It is also generally thought that when the fifty-two committees are appointed the Speaker is shorn of his strength. But the author clearly shows that from the time when he is escorted to the chair until the vote of thanks is passed the Speaker is the pilot of Congress and determines the course of legislation. To him is largely due the credit or the blame of the success or failure of the session. The author describes several bitter contests in choosing a Speaker. She shows how necessity has induced determined speakers to resort to extra-parliamentary tactics in order to enable the House to organize or to carry on its work, and how in this way new and important rules have been established, as rigid as constitutional paragraphs.

In discussing the responsibility of the Speaker, the author has fallen into the error of the legists by making much of this responsibility. The keynote of her remarks is: "A Speaker elected by the House is responsible to the House." But as no Speaker has ever been called to account for his official actions this theory is merely a dead letter. In fact, the Speaker is no more responsible to the House than the President is. Later on in the book this theory of responsibility is impliedly admitted to be fallacious, for the author advocates the making of the speakership a politically responsible office.

Now, under our present system of dual party government, it is impossible to bring a speaker to account for his actions, because his rulings, although they may be arbitrary, are nearly always made in the interests of party, consequently, his party will not censure him for carrying out its measures. If a different system of representation were adopted so as to bring numerous party factions in the House, it might force the Speaker to consider more the character of his bills than their partisanship. Even though a Speaker were made responsible to the House, the co-operation of the Senate is entirely beyond his control, so that legislation could not be furthered by such responsibility. The book shows a great amount of patient research. It is the kind of work which gives us an insight into the functional activity of government.

JOHN QUINCY ADAMS.

Problems of Modern Democracy: Political and Economic Essays.

By EDWIN LAWRENCE GODKIN. Pp. 332. Price, \$2.00. New York: Charles Scribner's Sons, 1896.

It is matter for congratulation that these essays, with their wealth of trenchant criticism and strenuous thinking upon political and economic questions, have been gathered from the half dozen periodicals, in which they were originally published into a single neat volume. Three of the essays bear date of 1896, and seven more belong to the last ten years. The remaining essay, the first and by far the longest, dates from the closing year of the Civil War.

Yet this analysis of "Aristocratic Opinions of Democracy," made thirty years ago, is not only the strongest piece of writing in the volume, but it also pursues a line of inquiry which recent happenings have made strangely *à propos*. Not a few critics of American political and social institutions have fallen into the error, prominent in the writings of even so great a publicist as M. de Tocqueville, of concluding that the characteristic features of our civilization result from but a single cause, that they are the normal and permanent effects produced by "democracy, the operation of the principle of equality."

Mr. Godkin, on the other hand, insists that "the agency which gave democracy its first great impulse in the United States, which has promoted its spread ever since and has contributed most powerfully to the production of those phenomena in American society which hostile critics set down as peculiarly democratic, was neither the origin of the colonists, nor the circumstances under which they came to the country, nor their religious belief; but the great change in the distribution of the population, which began soon after the Revolution, and which continues its operation up to the present time." During the colonial period the dependence upon England for many of the necessities and conveniences of life, and the difficulties of travel constituted strong obstacles to expansion, and the people of the fringe of colonies tended to become more homogeneous and to reflect the life and manners of the mother country. But following the Revolution came the rapid migration westward in successive waves, immensely stimulated by the spread of steam navigation on the great rivers, then by the influence of railroads, and swelled by the floods of immigrants from abroad. It presently resulted that "the pioneering element in the population, the class devoted to the task of creating new political and social organizations as distinguished from that engaged in perfecting old ones, assumed a great preponderance." It is this frontier element that has fixed upon American life the traits of a *new* country,—traits not to be found in a country democratic and not at the same time

new,—such as eagerness in pursuit of individual gain, want of respect for training and profound faith in natural qualities, the absence of a strong sense of social and national continuity and of taste in art and literature and oratory, and a prodigious contempt for experience and for theory. But “the greatest fault of new countries is their newness, and for this time is the great remedy.” It may, therefore, be anticipated that, prominent as some of these unfortunate traits have been in the past few months, every day that passes will weaken the force and hasten the disappearance of the frontier element.

The appearance of Sir Henry Maine’s “Popular Government” and of Mr. Lecky’s “Democracy and Liberty” served to call from Mr. Godkin enlightening comment and criticism. He insists that it is not enough for the critics to point out defects in democracy. They must compare general happiness with general happiness, and show us where and when was the Golden Age from which we who live under democracy have fallen away. The utter insecurity of the basis upon which Sir Henry Maine grounds his doubts as to the stability of democracy is clearly shown. “Democracy,” as Mr. Godkin defines it, “is simply an experiment in the application of the principle of equality to the management of the common affairs of the community.” Its advance he deems irresistible. The successful carrying out of the experiment is complicated by the failure of our nominating system, the growth of corporations, the decline of legislatures, and the transfer of government in a rich community from the rich to the poor. In short, “Democracy in America, like democracy and monarchy elsewhere, is following the course of other political societies. It is suffering from unforeseen evils, as well as enjoying unforeseen blessings. It will probably be worse before it is better. It is trying a great many experiments in laws and manners, of which some, doubtless, will be hideous failures. The régime of ‘crazes’ through which it is now passing is very discouraging, but it is engaged, like most other civilized societies, in a search after remedies.” In illustration, the history of the movement for civil service reform is instanced, proving that when a democracy is once convinced that a wrong must be righted, the work can be done with phenomenal rapidity and thoroughness even in the face of apparently insurmountable obstacles.

In “The Economic Man,” and “Who Will Pay the Bills of Socialism?” Mr. Godkin has held in reserve his choicest sneers for the “romances of the ethical economists.” He insists that these men are less scientists than politicians, would-be lawmakers, “mainly occupied in the attempt by legislation to take away money from capitalists and distribute it among laborers.” “A very large part of their

work," he continues, "is to be wrought through 'ethics,' or 'the science of ethics,' which, I believe, is the name given by the various schools to the opinions of some of their members about the injustices of the competitive or present system." There is not a little of bias and unfairness in these essays, but they insist with refreshing vigor upon some often neglected truths, that individual liberty is a priceless good; that the present wealth total is so small that no readjustment of distribution could give to each family more than a very slender sum, and hence that any millennial scheme of distribution must be put aside as Utopian, unless it gives assurance of a greatly increased wealth dividend while population makes little or no gain. "The Political Situation in 1896," "Political and Social Aspects of the Tariff," and "Criminal Politics," deal most pungently with topics of to-day.

The remaining essays, "Idleness and Immorality," "The Expenditure of the Rich," and "The Duty of Educated Men in a Democracy," sound a note hardly to be expected from one who has just spoken so contemptuously of "ethics." Mr. Godkin asserts that "the taxes paid by the annuitant or *rentier* class are but a trifling return, in reality, for the security they possess for person and property." Into the mouth of the "reasonably or unreasonably" resentful masses he puts the prediction that "we shall never have social peace till every man has a fair share of social burdens." But, since "the best thing in the world is individual freedom," Mr. Godkin opposes any attempt by legislation to adjust these burdens more equally, and contents himself with urging upon the rich the unprecedented "opportunities for men of fortune to find enjoyment in contributions to the public welfare." He summons them to leave their childish round of sports, their aimless wanderings, their vulgar display of wealth in huge houses, and to devote themselves to the "work of persuasion through voice and pen" and to the ministering to the public in the gift of noble buildings and works of art. It remains to be seen whether this appeal to the rich to recognize their most refined enjoyment, their most enlightened self-interest, will prove more effective than the preaching of "the law of social service" and "the responsibilities of wealth" by the despised "ethical economists."

There is no flavor of cant or of sentiment about these essays. Their atmosphere is decidedly cool. Mr. Godkin frankly avows: "Now I am not an enthusiast for Popular Government, or for any other form of government. I believe politics to be an extremely practical kind of business, and that the communities which succeed best in it are those which bring the least enthusiasm to the conduct of their affairs." But in lieu of fervor and enthusiasm the candid reader will

gratefully accept that which is far more needed,—an honest purpose, straightforward, vigorous thought, and fearless criticism.

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Economics: An Account of the Relations Between Private Property and Public Welfare. By ARTHUR TWINING HADLEY, Pp. xi, 496. Price, \$2.25. New York: G. P. Putnam's Sons, 1896.

Nothing perhaps in Mr. Herbert Spencer's writings has given such healing balm and comfort to professional economists as the well-known first chapter of the "Study of Sociology," with its forcible sketch of the readiness of the popular mind to pass absolute judgment upon complex questions of economic policy. The common absence of what Professor Giddings has phrased "popular respect for economic knowledge" is in considerable part the penalty paid by an unfinished science, the subject-matter of which consists largely in facts of familiar experience. In some degree, however, it seems a result of the splendid aloofness of the economist. His unending theme has been the complexity of modern industrial life and the easy descent to economic dicta; but his effort to provide a clue to the tangled skein has been rare and inadequate. The periodic preparation of economic guides to the perplexed is surely not the prime mission of the economist. Yet to the hard-headed, well-balanced man of affairs the need of an intelligible interpretation of industrial life, is pronounced, and the worth of the professional economist is estimated by this larger student body by a relentless law of subjective utility.

The careful reader will put aside Professor Hadley's "Economics" with a keen sense that here more successfully than in any treatise since written has the method of Adam Smith been reproduced. The conscious purpose of the book is "to apply the methods of modern science to the problems of modern business." The busy economic world that hums and throbs about us, the ceaseless activities of men engaged in complex processes of "getting a living" constitute the essential data; scientific method, forcible exposition and large acquaintance with practical details afford the requisite apparatus, and the result is an interpretation as remarkable in grasp as it is vigorous in statement.

But Professor Hadley's book will not be read merely as a semi-popular exposition of economic phenomena; it will be studied as a contribution to economic science. The student reader has throughout the satisfying sense of close touch with the body of economic thought and with the current of economic discussion. Appealing as it does both to the specialist and the general reader, fault will doubtless be found with the author for omitting some things and over elaborating

others. Thus in the first chapter on "Public and Private Wealth," the critical notes on current economic theories, helpful and suggestive to the economic specialist, will be found serious obstacles to the progress of the ordinary reader. On the other hand, the radical departure in plan of arrangement from that of ordinary economic treatises can hardly fail to enhance the popularity at the expense of the permanence of the volume.

It is not easy to resist the temptation to supplement a general estimate by detailed exposition; but criticism of specific topics and development of particular themes within the volume can be made more properly as such, than under cover of a broad survey. Professor Hadley has given us a book which fills a long felt practical want in affording a vista through which the ordinary man may see the industrial forest of which the leaves surround him. But the volume is more than this. As an acute critical synthesis of current economic theories, it becomes by its very existence the centre of future discussion and the occasion of forthcoming thought.

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Siedelung und Agrarwesen der Westgermanen und Ostgermanen, der Kelten, Römer, Finnen, und Slawen. By AUGUST MEITZEN, 3 vols., with an atlas. Price, 48 marks. Berlin: Wilhelm Hertz, 1895.

This book is the largest, most sumptuous, most exhaustive, and most learned which economic history has yet given us. It is true that Lamprecht's "*Deutsches Wirtschaftsleben im Mittelalter*" and Thorold Rogers' "*History of Agriculture and Prices in England*," rival it in bulk and in minuteness of detail, but in neither of these is there the broad outlook, the equally detailed treatment of all branches of the subject, and the profuse use of illustrations and maps, which make Meitzen's work so impressive. There are, for instance, in the three volumes, 269 illustrations set in the text, and in the atlas volume 125 additional sheets of maps, plans, and pictures. These plans of village holdings, the distribution of the pieces of land possessed by the respective villagers, in past times and in the present, are of the greatest interest and value, and will be to the greater number of readers, at least, quite new. Such maps have been previously printed in very small numbers and in comparatively inaccessible places; and yet nothing can give a more realistic sense of the open-field and scattered strip systems.

To return to an analysis of the outer form of the work; the field studied covers in space all of Germany, Scandinavia, and the British

Islands, large parts of the Netherlands, France and Italy, and some districts further east in Europe; in time it begins far enough back to include a detailed study of the Roman land-system, and extends through the whole of the Middle Ages, with occasional discussion of quite modern problems. Moreover, this is only the first instalment of the whole work; a second part, dealing with the later land history of the same countries being announced to follow.

Such a monumental work could only be accomplished by a man who, like Professor Meitzen, has been able to give almost more than a generation's study to the subject, and whose special position and connections have enabled him to collect an unprecedented wealth of material. In fact Professor Meitzen bridges over the period from the beginnings of the study of agrarian history to the present. He was the contemporary of Hansen, Nasse, and Maurer, as he is of Lamprécht, Ashley, and Gothein. Thus these volumes represent the ripened, and, in a sense, completed work of a man who is both a pioneer and original investigator of his subject, and also the teacher, correspondent and critic of those whose later labors in adjacent fields he includes with his own in this general treatment.

The fundamental idea of the work is the permanent influence of the original settlement of a people in fixed habitations. While tribes are nomadic, or obtain their subsistence from fishing and the chase, they already have a certain social organization and may even have a general system of land ownership, and possess houses which they occupy to which they frequently return. But when a family or a group of families has once settled permanently on a definite tract of ground, from which subsequently they extract their subsistence, so many complications immediately arise, the need of agricultural knowledge and foresight, provision from local resources of material for buildings and clothing, the securing of a water supply, the social requirements of a distribution of the possession or use of land, of protection against theft, of settlement of a thousand disputes that arise from contiguity of living. These new needs initiate such a rapid process of defining and formulating the method of life that such a settlement takes on then the character which it holds permanently, or at least through long periods of time. If then a detailed study can be made of the actually existing distribution of the land and methods of its use among any people, of the forms of their barns and the plans of their dwelling-houses, of their traditional economic relations among themselves, it will be possible to work backward from the present through the past history of that community, to the very beginnings of its fixed settlement. "In every village we wander, in a certain sense, among the ruins of the past; ruins which, in age, leave the romantic remains

of the castles and city walls of the Middle Ages far behind. At every step, everywhere, in barnyard and field, we may meet the traces of the oldest conditions. The plan of ownership of the village lands is a veritable manuscript which conveys to us, legible as though in hieroglyphs, the ideas and aims of the early founders."

Professor Meitzen proceeds to make the study of existing and recorded agricultural facts; in the first place for the districts of pure unmixed Germanic life, where no other race has dominated in any historical time; then for the purely Celtic lands, Ireland, Wales, and Scotland, in order that the influence of the German system upon the Celtic can be traced out where those two races came into contact directly, without the intervention of the Romans. Next he studies the Roman land system, in all its aspects except the purely legal one, so as to be able to measure its influence upon the Celtic, and thus to show how far the Teutons introduced changes upon this Celto-Roman field. Similarly, the method of settlement of the western Slavs is investigated and the circumstances by which they were to a considerable extent Germanized in social system as in political domination. In addition to these races which had a mutual influence, the Finnic tribes and the steps by which their land became regularly occupied are subjected to a like, though an independent study. With this analysis as a basis, and aided by direct historical records, the author constructs a map of the settlements of the races, and reaches a number of other generalizations directed to the explanation of difficulties in the history of the past, and subordinately to the solution of the agrarian problems of the present and the future. These generalizations we have found somewhat less satisfactory than the direct and detailed studies of settlements, agriculture, and landholding. For instance, he seems to predicate an almost mystical unity of race, by which people of the same stock will develop like institutions wherever they may be; an invariable connection of a particular type of house or barn or place of agriculture with people of one special blood; the continued purity of races, keeping themselves free from admixture, although superposed in successive strata on the same soil. But these are, after all, mere suppositions, and an historical theory involving them, while it may of course be a correct theory, will still always be somewhat shadowy and unreal. Again, Professor Meitzen accepts unquestioningly the unity of the Aryan race, its central Asiatic origin, and the possibility of reconstructing from its radical words a picture of its early civilization. Most other scholars, however, have abandoned these as hasty generalizations, formed in the first glow of the enthusiasm of the comparative philologists. And in the most fundamental of his premises, the survival in modern rural villages of the original characteristics of the first settlement, a distinct

effort of faith must be made in order to believe that so much that is primitive can have remained through repeated periods of devastation and depopulation, as well as through the equally destructive processes of improvement or growth.

But in direct investigation and explanation of the conditions of rural occupation and landholding in the present and in the past, the impression made by Professor Meitzen's work is very different. Nothing could be more admirable than his study of Roman agrarian conditions. Every indication given by the physical conformation of the country, by archaeological remains, by the testimony of the ancient authors, or the studies of modern investigators is made use of to obtain a clear and adequate picture of the way the Romans cultivated their land, surveyed, divided, and occupied it. The various forms of ownership or possession, the nature of the land taxes, the classes of the people as determined by their relation to the soil, the policy pursued by the government in disposing of its acquired domains, are all described with a fullness and scholarly care that makes the chapters devoted to this subject the best study of Roman land conditions in existence. And there is in all the description a note of reality that comes from the direct practical explanations of the man who is familiar with tools and measuring instruments corresponding to those of the people he is describing. The fact that the unit of land measurement of the Romans, the *jugerum*, as well as the plats which they actually cultivated, were of a square form, while among the Germans, the *morgen*, like the English acre, was always a long narrow strip, is explained in the following ingenious way: "The Roman plow had a sharp share, but no mould-board, or if any it extended equally on both sides and broadened to the top. The result was simply that of plowing with a pointed stick, the earth after being cut and stirred, fell together again at the back, and each successive furrow left between it and the last a ridge of hard soil undisturbed by the cultivation. It was therefore necessary to plow again crosswise, all fields having a double plowing, first along, then across. The more nearly square the field was, therefore, the less turning of the draught-animals would there be in plowing the narrower way. Among the Germans, on the other hand, the plow on the modern principle was in early use. The soil was lifted entirely out of the furrow and turned over to the right, the soil from the succeeding furrow being thrown into the first, and so on. Thus only one plowing was necessary and a long strip would involve less turning by the animals and be therefore most convenient. Thus the plat like the old English acre, which was forty rods long and four rods wide, or the familiar modern 'land,' was practicable and natural, whereas in the Roman system it would not have been."

Similarly, he points out in another connection, that Mr. Seeböhm's stress laid upon the "balk" or division between the acre strips is exaggerated. Such a division being by no means universal in modern open fields, and disproved for earlier times by the curving lines of adjacent strips. It is inconceivable that these edges would have become curved if the strips of arable ground had been separated by a permanent border of turf. This constant combination of the practical out-of-door suggestion with the learned results of work in the study, is one of the most pleasant as it is one of the most valuable features of the book. The demonstration that the so-called Saxon house is a survival of the Celtic form which the Teutonic invaders found on the soil between the Weser and the Rhine, and that the Scandinavian and East German type of dwelling-house is strikingly similar to the early Greek type, and probably modeled after it, are good instances of this characteristic.

The whole book is indeed a storehouse of information on its subject, carefully examined, clearly explained, generally illustrated, and systematically set forth. It is, moreover, the nearest that we yet have to an authoritative general treatment of the subject. All students of economic history, therefore, owe to Professor Meitzen and to his publishers, a debt of gratitude for this full presentation of his ripened knowledge, and for the liberal reproduction of maps, charts and views which would otherwise be absolutely inaccessible.

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Cours d'Économie Politique. By VILFREDO PARETO, Professeur à l'Université de Lausanne. Vol. I. Pp. 430. 1896. Vol. II. Pp. 426. 1897. Lausanne: F. Rouge.

Professor Pareto's purpose in these volumes is to give a sketch of economics considered as a natural science, founded upon facts. The two ideas dominating the entire work are the possibility of successive approximations, and the mutual dependence of economic and social phenomena. The first volume containing the principles of pure political economy, along with a study of *capitiaux personnels*, *mobiliers* and *fonciers*, furnishes the first approximation of economic phenomena, that is, the general conditions of economic equilibrium, and becomes the point of departure for successive approximations with which the greater part of volume one, and the whole of volume two are concerned. The second volume, following the fundamental idea of the interdependence of economic and social phenomena, opens with an exposition of the general principles of social evolution,

and treats, in succession, of production, exchange, economic crises, the distribution and consumption of wealth.

The work is to be strongly commended for the sketch it gives of Italian economic literature; the incidental contributions to economic history and the history of economic theory contained in its voluminous foot-notes; the consummate skill with which use is made of statistics as premises, illustrations and tests of theories; the fidelity with which are wrought out the two fundamental ideas of the work, already alluded to, and the brilliant statistical and mathematical investigations into the distribution and consumption of wealth with which it closes.

The study of the distribution of wealth is probably the most original and suggestive part of the work. Professor Pareto makes the discovery that the equation to the curve indicating the distribution of incomes among the individuals of a country is $N = \frac{A}{x^a}$ where A and a are constants, x the value of any income, and N the number of persons having incomes above the value of x . Or, to be more explicit, if we construct a system of rectangular axes and lay off upon the axis of abscissas the logarithms of x , and upon the axis of ordinates the logarithms of N , the line passing through the points thus determined will be a straight line whose equation is

$$\log. N = \log. A - a \log. x.$$

I shall point out only one interesting property of this line. It is discovered that the lines of distribution of various nations are almost parallel, or, in other words, that the quantity a , representing the inclination upon the axis of x , is almost the same for all countries. Consequently if the distribution of incomes varies but little in different countries, different epochs, and different organizations, the principal cause of such distribution must be found in the nature of man—a valuable truth for hasty reformers to learn. Professor Pareto makes still further interesting studies of the curve in relation to socialism, pauperism, and the curves of demand and supply.

It would seem that the chief defect in the work lies where one would least expect. The author claims to be an eclectic in method, to use history, philology, biology, and mathematics wherever they can throw light on his subject. This would be the ideal method if, when treating any question, the author would exhaust all special methods, but it is confusing and unsatisfactory when, for example, a subject that is peculiarly in need of deductive treatment is treated historically alone. The author's discussion of coalitions is an illustration of this defect in method. This difficult subject is a special problem in the field of monopoly value, the very field in which the mathematical method has achieved its first and greatest success. An exhaustive

mathematical treatment would therefore be expected of a mathematical economist. But instead of this, we have in the part on "Pure Political Economy" a "first approximation" treated mathematically, while, in the "Applied Political Economy," the greater part of the discussion is devoted to a history of monopolies among the ancients and in the Middle Ages.

Objection may also be made to Professor Pareto's frequently unnecessary and confusing use of mathematics. In his first book, he develops the formula for the exchange of commodities by differentiating a second equation that is absolutely unintelligible to a reader unfamiliar with a fuller discussion of the formula in some such work as that of Walras. After making the complex development, he points out that substantially the same results might be obtained without the use of the differential calculus. Professor Pareto cannot expect to reconcile his non-mathematical reader with this method of confusing him by telling him (§56) that, if he does not understand the mathematical explanations, he will have all the advantage in learning the language in which they are given!

A curious slip for a mathematical economist is made in the discussion of population, a slip that parallels the error of Malthus. In the "Essay on Population," Malthus bases his theory on the supposition that population tends to increase in a geometrical, while subsistence increases in an arithmetical, progression. Pareto discusses the question of population as treated by Malthus. He reviews the growth of population in England between certain years and finds that it has increased in geometrical progression. But he finds also that the average income of the individual has *increased* during these years. He therefore argues

"Il s'en suit que pendant ce laps de temps la richesse a augmenté en une progression plus rapide qu'une progression géométrique; ce qui suffit pour démontrer que la proposition de Malthus, suivant laquelle la richesse croîtrait en progression arithmétique, est erronée, au moins dans ce cas." p. 112.

Malthus, seeing that subsistence did not increase as rapidly as population, when population increased in a geometrical progression with a common ratio 2, assumes that it does not increase in a geometrical, but increases in an arithmetical progression. Pareto, seeing that in England, during certain years, *average* subsistence increased, while population increased in a geometrical progression with a low common ratio, assumes that, therefore, subsistence does not increase in arithmetical progression. But if we assume that the value of subsistence of a community is A, the population B, the common ratio of increase of population $\frac{m}{n}$ then, if the value of subsistence of a community increases in an arithmetical progression, whose common difference is

the $\frac{m+x}{n}$ part of A, where x is any positive quantity, the condition that Pareto describes will be fulfilled—population will increase in geometrical progression, subsistence in arithmetical progression, the average income of the individual will, for a time, increase.

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The History of Mankind. By Professor FRIEDRICH RATZEL. Translated from the second German edition by A. J. BUTLER, M. A. With introduction by E. B. TYLOR, D. C. L., F. R. S. With colored plates, maps and illustrations. Vol. I. Pp. xxiv, 486. Price, \$4.00. London and New York: The Macmillan Company, 1896.

Under this somewhat strange title Professor Ratzel's justly celebrated "*Völkerkunde*" is now appearing in a handsome English edition, on the whole admirably translated by Mr. A. J. Butler.

In introducing Professor Ratzel to his English-speaking public, Professor Tylor first calls our attention to the excellent illustrations so carefully collected by the author, and then taking the facts of savage life therein depicted as his text, he urges upon us the "habit of constant recourse to actual objects" as of "inestimable use to us in the more abstract investigation of ideas," a salutary lesson, indeed, to those who are too prone to rely on legal symbols and the incidence of terms to support their sociological theories.

Professor Ratzel's greatest service to the science of anthropology (taken in its broadest sense) seems to me to consist in laying a broad geographical foundation for the subsequent study of ethnography and sociology. It is in the "*Völkerkunde*" that the good results of this method are most manifest, for this is the basic plan of the work. At the very outset of the present volume the author says: "We shall therefore bestow a thorough consideration upon the external surroundings of the various races, and endeavor *pari passu* to trace the historical development of the circumstances in which we find them to-day. The geographical conceptions of their surroundings, and the historical consideration of their development, will thus go hand in hand. It is only from a combination of the two that a just estimate can be formed."

The geography of the Pacific islands forms the basis of the present volume, and its ethnographic conclusions concerning them seem to me to be well founded and of great importance. Race classifications are, indeed, difficult and, except in broad divisions, perhaps impossible. Taking his theoretical stand on the unity of the human race, Professor Ratzel, however, recognizes the broad ethnographic dis-

inction between "the Whites and Mongoloids in the northern hemisphere and the Negroes in the southern." The ethnographic task of the second book of "The History of Mankind," is to account geographically for the presence of the Mongoloids throughout the Pacific islands and in America; and to explain the infusion of the Negro stock among the races of Oceania. Presuming, as alone is possible, a continental origin for these islanders, adequate proof of the sufficiency of the early art of navigation among these primitive peoples had thus to be forthcoming before the hypothesis of a pre-historic easterly dispersion of the Mongoloids and Negroids could be established. The task is begun in the present volume, and, to my mind, the peopling of the Pacific islands, at least, is adequately explained on the above hypothesis. The chain of geographic and ethnographic connections between northeast Asia and northwest America is also clearly outlined, but the further question as to the possibility of an early dispersion toward the southeast as well, from Samoa, by way of Easter Island, to Peru, is left for future discussion in a succeeding volume.

A fair beginning is also made by Professor Ratzel in his introductory book, toward an explanation of sociological phenomena from the standpoint of the geographical environment. Geographical conditions are there rightly taken as the key to the primary problems of social evolution, and the matter of hoarding is also given its due place in the general development of civilization. In the descriptive portions of this volume, the particular environment is in each case accurately and thoroughly described before any attempt is made to depict the character and social status of the people; and the distribution of the natural food supply over the Pacific islands is likewise carefully presented, both on the map (p. 144) and throughout the text. Though the general proposition is thus constantly kept in view, there is yet no consistent attempt to trace each sociological phenomenon down to its geographic roots. On the contrary, the author again and again contents himself with the enumeration of purely secondary causes (which are themselves but the effects of previous natural phenomena) to explain a long series of social results. Thus, in the first place, the original search for food is by no means given the prominence that should be accorded it in accounting for the dispersion and constant moving from island to island of the natural races of the Pacific. It is also of but little avail to trace the practice of cannibalism and head hunting to religious origins, when the very religious conceptions of these people were themselves but the effects of prior natural causes; and especially in this case where the lack of suitable butcher's meat in these islands would seem at least

to suggest an adequate cause of the whole range of phenomena. Nor can the practice of earth eating be referred primarily to the supposed pleasure to be derived therefrom, any more than can our own custom of taking black coffee after a heavy meal. In both cases the physiological process of food digestion has only to be taken into account in order to make both gastronomic habits at once intelligible.

In this connection an instructive comparison might be made between Professor Ratzel's description of the social life of the Austrians, and Mr. E. J. Payne's chapters on the ancient Peruvians in his "History of the New World, Called America." Professor Ratzel's account, on the one hand, consists of two totally disconnected halves, one a geographical and the other an ethnographical description—and little attempt is here made to trace the laws of cause and effect between the two. Mr. Payne, on the other hand, first describes the natural food supply of the Andes region, and then, with infinite care, follows out the political, economic and religious life of the Peruvians as the necessary effects of their peculiar environment.

Not only does food-supply itself have a natural and necessary effect upon the life of the people, but the control of the food-surplus likewise leads to important sociological results, and from a somewhat superficial examination of the question I should be inclined to think that the widespread custom of *taboo* could be explained better along these lines than by referring it, as Professor Ratzel does, to religious causes. Nor does it seem sufficient to refer the origin of clothes in a general way to the desire for ornamentation, for in each case the desire for ornamentation had, as Edward Westermarck has clearly shown, an ulterior design, and should properly be traced still further back to the instincts of sexual selection.

Finally, by way of criticism, Professor Ratzel's classification of the religions of men (p. 61) seems to me unsatisfactory from a sociological point of view, and, indeed, as far as I am able to see, little use has been made by the author of this classification in his subsequent disjointed descriptions of the religions of the Pacific islanders. Major Powell's classification of the religions of savages into *hecastotheism*, *zoötheism* and *physisotheism*, and Mr. Payne's theory of the economic bases of barbarous religions are certainly more scientific, and if applied to Professor Ratzel's material would, I think, afford better results than those presented in this volume.

In laying the foundations of a new science the materials must first be collected and sorted before the courses can be laid. This preliminary work has been done most thoroughly by Professor Ratzel and besides this, what seem to me correct ethnographical lines have been marked off in this volume on their proper geographic bases. Before

going further in erecting the framework of the history of mankind, a more adequate sociological hypothesis is necessary, in order that what is built up may not have to be torn down again. The fact of such a history being attempted on a geographic basis is a long step in the right direction and Professor Ratzel deserves the greatest credit for its inception. It is to be hoped that the translation of the succeeding portions of Professor Ratzel's great work will not be long delayed.

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Lectures on Justice, Police, Revenue and Arms. Delivered in the University of Glasgow by ADAM SMITH. Reported by a student in 1763, and edited, with an Introduction and Notes, by EDWIN CANNAN. Pp. 332. Price, \$3.50. New York: The Macmillan Co., 1896.

As professor of moral philosophy at Glasgow, from 1752 to 1763, Adam Smith delivered lectures upon four parts of that subject. John Millar, the author of the "Historical View of the English Government," seems to have heard all four courses, and he reports that

The first contained Natural Theology. . . . The second comprehended Ethics, strictly so called, and consisted chiefly of the doctrines which he afterwards published in his "Theory of Moral Sentiments." In the third part he treated at more length of that branch of morality which relates to justice. . . . This important branch of his labors he also intended to give to the public; but this intention, which was mentioned in the conclusion of the "Theory of Moral Sentiments," he did not live to fulfill. In the last part of his lectures he examined those political regulations which are founded not upon the principle of justice, but upon that of expediency, and which are calculated to increase the riches, the power and the prosperity of a state. Under this view he considered the political institutions relating to commerce, to finances, to ecclesiastical and military establishments. What he delivered on these subjects contained the substance of the work he afterwards published under the title of "An Inquiry into the Nature and Causes of the Wealth of Nations."

Adam Smith's promise, to which Millar alludes, occurs in the first edition of the "Theory of Moral Sentiments," (1759) in these words:

I shall in another discourse endeavor to give an account of the general practices of law and government, and of the different revolutions they have undergone in the different ages and periods of society, not only in what concerns justice, but in what concerns police, revenue and arms, and whatever else is the object of law.

In 1790, the year of his death, he revised the "Theory of Moral Sentiments," and in the preface to the revised edition he says:

In the "Inquiry Concerning the Nature and Causes of the Wealth of Nations," I have partly executed this promise, at least so far as concerns police, revenue and arms. What remains, the theory of jurisprudence, which I have long projected, I have hitherto been hindered from executing by the same occupations which till now prevented me from revising the present work.

His increasing weakness prevented the publication of his theory of jurisprudence, and it was consequently supposed, for more than a century, that the work had been irretrievably destroyed when, in July, 1790, Adam Smith directed the burning of all his manuscripts.

About two years ago Mr. Cannan learned, quite by chance, that Mr. Charles C. Maconochie, an advocate of Edinburgh, had a manuscript report of some lectures by Adam Smith upon jurisprudence. This report, whose history is not known in detail, appears to have been copied, before 1767, from notes taken by some unknown student. In general, a student's notes are likely, as every teacher knows, to give but a sorry account of the lectures the note-taker has followed. But in this particular case it is evident, though the evidence is too complicated for review here, that we have to do with a report of extraordinary fidelity.

The notes on Adam Smith's lectures are divided into five parts: I. Of Justice (153 printed pages), II. Of Police (90 pages), III. Of Revenue (16 pages), IV. Of Arms (5 pages), V. Of the Law of Nations (16 pages). It is not difficult to trace a correspondence between these five parts and two of the four courses of lectures which Millar heard. Parts II, III and IV are notes of Millar's fourth course, *i. e.*, of the lectures on "the political regulations calculated to increase the riches, the power and the prosperity of a state." Serving Adam Smith as a first draft for the "Wealth of Nations," they induced him to say that he had in that book executed his promise of publication, "at least so far as concerns police, revenue and arms"—a remark which has hitherto been a dark saying to many readers of his works. Part I, of Justice, and perhaps the briefer Part V as well, may be assigned to Millar's third course. The second course we have in the "Moral Sentiments;" the first is probably lost.

The "Lectures" now published throw a welcome light upon no less than three questions regarding the relations between Adam Smith, the economist, and his predecessors. The first question concerns the extent to which Adam Smith's economic notions may have been derived from some Physiocrat, or, more particularly from Turgot. The second question concerns the structure and interpretation of the "Wealth of Nations," including the attempted harmonization of apparent discrepancies between its first and second books. This question involves rather the extent of Adam Smith's general obligation to the Frenchmen, than the details of his specific indebtedness to them. The third question, which touches Adam Smith as a jurist as well as an economist, inquires how far he inherited, through English, Scotch or French followers of Locke, those notions concerning the law of nature and natural liberty, which have been thought to color his

more strictly economic views. To these three questions the "Lectures" suggest answers which are, at least in part, new.

The question regarding Adam Smith's relation to Turgot was long ago prejudiced by Dupont de Nemours. "Everything that is true in this respectable but tedious work in two quarto volumes," declared that enthusiastic Physiocrat, without taking the trouble to read the volumes, "may be found in Turgot's 'Reflections on the Formation and Distribution of Riches;' everything added by Adam Smith is inaccurate, not to say incorrect." When Dupont found time to read the "Wealth of Nations," he modified his sweeping condemnation. But the implied charge that Adam Smith borrowed from Turgot without acknowledgment has lived on. Especially has it flourished among those indefatigable Germans in whose eyes any attack on "Smithianismus" seems to be justified. Since von Scheel's article on "*Turgot als Nationalökonom*" in the *Tübinger Zeitschrift*, for 1868, it has been a tenet of economic orthodoxy in Germany that "as a thinker Adam Smith was not eminent by force of originality, and that the outlines of Turgot's theories of money, capital, the division of labor and rent were transferred into the 'Wealth of Nations' without essential modification."* We are now placed in a position to dispose once and forever of this silly story. The "Lectures" were delivered not only before the publication of Turgot's "*Réflexions*," but even before the writing of them. And their specific indebtedness to the "*Réflexions*" is as great—or as small—as is the indebtedness of the "Wealth of Nations" itself to the same alleged source of its merits.

The second question concerns the structure of the "Wealth of Nations." The "Lectures," as here reported, were delivered before Adam Smith had been in France. He spent the greater portion of the year 1766 in Paris, enjoying frequent opportunities for conversation with Quesnay and his followers. If, therefore, any part of the "Wealth of Nations" is due to Adam Smith's personal intercourse with the economists, little corresponding to that part of his great book may be expected in the "Lectures." If, now, we compare the two books with this fact in mind, we shall note that the first seven chapters in Book I of the "Wealth of Nations," and also the discussion of the Mercantile System in Book IV, find their germ in the Lectures on Police, while the fifth book is evidently developed from the Lectures on Revenue and the Lectures on Arms. There is also in the Lectures on Police a long section treating "Of the Causes of the Slow Progress of Opulence." Out of this the whole third book grew. The portions of the "Wealth of Nations" thus remaining unaccounted

* "*Handwörterbuch der Staatswissenschaften*," Vol. vi, p. 291.

for—in addition, of course, to the chapter on the Agricultural Systems of Political Economy, in Book IV—are, broadly speaking, the last four chapters of Book I, those on wages, profits and rent, and the whole of Book II, on the nature, accumulation and employment of stock. In other words, Adam Smith's entire treatment of capital and of distribution appears to have been introduced into his own system of political economy after he became acquainted with what he calls "the speculations of a few men of great learning and ingenuity in France." This fact shows how extensive was his general obligation to the Frenchmen.

It was, probably, from the Physiocrats that Adam Smith took the notion, no trace of which appears in the "Lectures," that the annual produce of every nation is the result of its annual labor. Quesnay's "*Tableau*" traced the annual *produit net* exclusively to the productive expenses, otherwise to the annual advances to agriculture. The sterile expenses or annual advances to non-agricultural industry had no part in the production of the net product. Adam Smith was not able to accept Quesnay's theory entirely. Neither was he able entirely to escape from the idea of a net product. But he gives it another name and he traces it to another source. Instead of telling us that the annual advances to agriculture are the fund which affords the annual net product, he asserts that "the annual labor of every nation is the fund which originally supplies it with all the necessities and conveniences of life which it annually consumes." We are now inclined to identify this productive fund with the whole labor of the nation. But Adam Smith fixed his attention upon material necessities and conveniences, and regarded them (Book II, Cap. I) as obtained, for purposes of consumption, by withdrawal from a previously accumulated "stock." This stock, therefore, becomes the immediate source of the net product, which, however, can be withdrawn, in the long run, only so fast as it is replaced. The means to its replacement is the "productive labor" of the nation. Productive labor therefore becomes the ultimate source and measure of the net product, and the analogue of the Physiocratic *avances productifs* is the sum laid out in the employment of productive labor. To follow in detail Adam Smith's familiar arguments about productive and unproductive labor and the relation of capital and of revenue to each, would carry us too far afield. Enough has been said to indicate how considerable is his obligation to his French predecessors.

Our third question refers to Adam Smith's general notions concerning the law of nature and natural liberty. That these notions had a large part in shaping his economic theories, both analytical and constructive, has been argued briefly in Cliffe Leslie's brilliant essay on

"The Political Economy of Adam Smith," and impressively in Hasbach's two formidable volumes.*

The "Lectures" illuminate this point but incompletely. Our general conclusion, however, must be, I think, that Adam Smith's economic opinions were rather less influenced by such notions in 1763 than they appeared to have been in 1776. In 1763, he specifically rejects the doctrine, held by his favorite preceptor, Hutcheson, that contract is the foundation of allegiance to the civil magistrate, and throughout the section "Of Justice," there is less speculation and more description of positive laws than we should expect in view of the construction commonly placed upon Smith's later remarks concerning the injustice of restraints upon natural liberty. Before his intimate acquaintance with the Physiocrats he seems, indeed, to have been convinced of the expediency of free industry and enterprise. But his conviction was then based upon a reasoned consideration of the probable results of industrial freedom. In the "Wealth of Nations" the economic argument of the "Lectures" is preserved, and even expanded; but it loses some of its force because it no longer stands alone. Supplementary to it are introduced references to "the simple and obvious system of natural liberty," which has been encroached upon by customs duties, by the poor law and by the system of apprenticeship and ought, as a thing good in itself, gradually to be "restored" by freeing industry and enterprise from the burden of various positive enactments. The "Lectures" contain almost nothing corresponding to these much-discussed passages in the "Wealth of Nations."

Mr. Cannan's editing of these "Lectures" is admirable. The introduction, of which I have not hesitated to make large use, is a model of clearness; the notes reveal wide reading and great diligence. Only one criticism upon them is possible. "Except in a few cases where practical difficulties stood in the way, the references to earlier authors have been made to that edition of each work which Adam Smith is most likely to have used in 1763." *Sum pius Aeneas*. With so pretty a bit of appreciative antiquarianism it were churlish not to sympathize. But not every reader into whose hands the "Lectures" will come has the Bodleian Library at his elbow and the British Museum within a stone's throw of his door. Mr. Cannan might have been forgiven had he sacrificed sentiment to utility and referred to the best library edition—wherever one exists. In a previous book, by the way, Mr. Cannan cited the "Wealth of Nations" in McCulloch's edition. Now that the Clarendon Press is his publishers he cites Thorold

*"Die allgemeinen philosophischen Grundlagen der von François Quesnay und Adam Smith begründeten Nationalökonomie," 1890; "Untersuchungen über Adam Smith und die Entwicklung der Politischen Oekonomie," 1891.

Rogers'. Neither of these editions is satisfactory. The time is ripe for a really good edition of Adam Smith's masterpiece—which might appropriately appear in the promised Clarendon Press series of British classics—and no one is better fitted to prepare it than Mr. Cannan himself.

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Penological and Preventive Principles, with Special Reference to Europe and America. By WILLIAM TALLACK. Second and enlarged edition. Pp. xii, 480. Price, 8s. London: Wertheimer, Lea & Co., 1896.

The first edition of this book appeared in 1889, and in this second edition the author has not materially changed either his point of view or the topics treated, although several chapters have been added. The work covers a wide range of subjects, but with strict reference to certain principles which the author regards as fundamental in the treatment of crime and pauperism. Crimes are classified, systems of prison management discussed, and methods of sentencing criminals analyzed. Prison labor and the aid given to discharged prisoners are among the questions treated. The second portion of the book, dealing with pauperism, treats of child-saving, intemperance and prostitution, while the third section is devoted to penal questions and police administration, concluding with a statement of John Howard's principles and a chapter on Christianity as the chief basis for moral reforms and restraints. There are two appendices, giving an account of the International Prison Congress at Paris (1895), and a glance at nineteenth century progress.

The author, as Secretary of the Howard Association in London, stands in an official position which should make easy the collection of valuable material for the preparation of such a work as his title suggests. His long and valued services in the cause of prison-reform entitle him to speak with some authority. So much has happened in the experimentation of recent years in the treatment of criminals and paupers, that, perhaps, it is too soon to expect a summary of general principles which will meet with wide approval. In scarcely any field of social activity have efforts extended over so long a period of time with fewer satisfactory results than in penological work. Judged by their results, the methods of the past do not give us much encouragement. Constructive work, therefore, in the statement of principles, destined to be helpful and valuable, should have an eye to present conditions and experiments, and to the future rather than to the past. It is in this respect that Mr. Tallack's book is disappointing.

Concerning certain vital questions, such as that of the separate or congregate prison system, the book is intensely partisan. For example, in speaking of the congregate system, which, with all its faults, is regarded by the ablest penologists as that which offers the most hope for ultimate reforms, Mr. Tallack tells us "it is emphatically and necessarily bad." In discussing prison labor, the author is certainly aware of the difficulties which arise in connection with the system of separate confinement which he advocates, but he does not state them fully. One suggestion, however, in this chapter, is progressive and should have been given a relatively more important place in the discussion, namely, the introduction of Sloyd, or general training in the use of tools as an occupation of prisoners. When prison labor has for its ultimate object education and reform of the prisoners, and not a profit to the institution, a long step will have been made in encouraging the right kind of prison labor, and preventing the abuses of which the labor organizations and workingmen generally complain. Mr. Tallack also makes a strong argument in favor of the progressive system of sentences, and in his chapter on child-saving he has made good use of his material in drawing conclusions which really stand the test of experience.

Some of the author's material has been collected from all parts of the world, but to the student his book is less valuable than it might have been had he supplied references to the literature used in its preparation.

SAMUEL McCUNE LINDSAY.

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[Written in the same popular style which commended "An Englishman in Paris" to general readers, this work gives an interesting picture of the career of the second Napoleon until the crash in 1870.]

II. ECONOMICS.

(a) *General.*

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[This work is designed for use as a text-book and presents a comprehensive survey of the field of social phenomena in a didactic manner. It is written in an interesting style and provided with a liberal supply of bibliographical references.]

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Die deutsche Frauenbewegung. Eine Betrachtung über deren Entwicklung und Ziele. By GUSTAV COHN. Pp. 226. Price, 4m. Berlin: Gebr. Paetel, 1896.

[Originally an article in the *Deutschen Rundschau*. The author has enlarged it and made a careful study of the movement for the advancement of women in England and has compared it with certain tendencies in Germany. The book contains much interesting historical material and a good selected bibliography.]

Socialisme et Charité. Études Sociales. By COMTE D'HAUSSONVILLE. Pp. 516. Price, 3.50 fr. Paris: C. Lévy, 1896.

[A series of essays on social vice, crime, woman's labor in England and in the United States, state socialism and Christian socialism and charity and assistance in work.]

Faith and Social Service. Eight Lectures Delivered before the Lowell Institute. By GEORGE HODGES. Pp. 270. Price, \$1.25. New York: Thos. Whittaker, 1896.

[These lectures deal with the new forces in religious work and discuss the problems of indifference, doubt, poverty, labor, moral reform, the city and the divided church in a liberal spirit and with a good understanding of the religious and social movements of the day.]

La Russie économique et sociale à l'avènement de S. M. Nicholas II. By VICOMTE COMBES DE LESTRADE. Pp. x, 459. Price, 6 fr. Paris: Guillaumin et Cie, 1896.

[This work is written by a sympathizer with the Russian system of administration who is thoroughly conversant with the facts in regard to Russia's industrial development in recent years.]

La Lutte pour la Vie. Lois d'Agrégation de Développement et de Désagrégation dans l'Univers connu. Études de Sciences Physiques et Naturelles, Morales et Politiques. By L. J. MARCELIN. Pp. ix, 435. Price 10 *fr.* Paris: Dunod et Vicq, 1896.

[A comprehensive treatise on evolution as shown in the inorganic as well as the organic world.]

Misère de la Philosophie. Réponse à la Philosophie de la Misère de M. Proudhon. Avec une Préface de Friedrich Engels. By KARL MARX. Pp. 291. Price, 3.50 *fr.* Paris: Giard & Brière, 1896.

[Reprint in convenient form of an essay that has had great influence in the development of French socialism.]

Einleitung zur Geschichte der Mark-, Hof-, Dorf-, und Stadt-verfassung und der öffentlichen Gewalt. Zweite Auflage, mit einleitendem Vorwort von Heinrich Cunow. By GEORGE LUDWIG VON MAURER. Pp. xlv, 338. Vienna: Ignaz Brand, 1896.

[The second edition of an essay in economic history which appeared originally in the early fifties.]

Conscience et Volonté sociales. By J. NOVICOW. Pp. 380. Price, 6 *fr.* Paris: Giard & Brière, 1897.

[An essay on social psychology discussing the formation in society of what the author calls an intellectual élite which constitutes the social sensorium. The mechanism of social action and the reflex social movements are discussed as forming the basis of morals.]

Die Siedlungsgenossenschaft. Versuch einer positiven Ueberwindung des Kommunismus durch Lösung des Genossenschaftsproblems und der Agrarfrage. By FRANZ OPPENHEIMER. Pp. 662. Price 13 *m.* Leipzig: Duncker & Humblot, 1896.

Englische Auswanderung und Auswanderungspolitik im 19 Jahrhundert. By KARL RATHGEN. Einwanderung und Einwanderungsgesetzgebung in Nordamerika und in Brasilien. By RICHMOND MAYO-SMITH and R. A. HEHL. (Vol. LXXII. Schriften des Verein für Sozialpolitik.) Pp. xi, 302. Price, 6.80 *m.* Leipzig: Duncker & Humblot, 1896.

Le Socialisme et la Science sociale. By GASTON RICHARD. Pp. 199. Price, 2.50 *fr.* Paris: Felix Alcan, 1897.

[An examination of socialism as a theory of the state and an attempt to show that it is a false one, which will disappear in the presence of the advance in social science studies.]

Nouveau Dictionnaire de Géographie universelle. Supplément 5^e et 6^e Fascicules, Bragance-Caroline. Ouvrage commencé par M. VIVIEN DE SAINT-MARTIN et continué par LOUIS ROUSSELET. Price, 2.50 *fr.* Paris: Hachette et Cie, 1896.

German Social Democracy. Six Lectures. By BERTRAND RUSSELL, B. A., with an Appendix on Social Democracy and the Woman

Question in Germany, by ALYS RUSSELL, B. A. (Studies in Economics and Political Science.) Pp. xiv, 204. Price, \$1.00. New York: Longmans, Green & Co., 1896.

[These lectures, delivered at the London School of Economics and Political Science last year, discuss the present status of social democracy as a political movement in Germany. Two lectures are devoted to Marx and Lassalle, in order to show their influence on the later movement, then Social Democracy, prior to the legal ban of 1878, during the period of legal suppression up to 1890, and its subsequent growth and propaganda, is reviewed.]

Domestic Service. By LUCY MAYNARD SALMON. Pp. xxiv, 307. Price, \$2.00. New York: The Macmillan Co., 1897.

[Miss Salmon's work embodies the results of an extended statistical investigation concerning domestic servants, and considers the problem as a social and economic rather than as an individual one.]

Bibliographie der Social-Politik. Bearbeitet und herausgegeben von JOSEF STAMMHAMMER. Pp. iv, 648. Price, 18m. Jena: Gustav Fischer, 1897.

[Noticed in the current number of the ANNALS, Vol. ix, p. 429.]

NOTES ON MUNICIPAL GOVERNMENT.

AMERICAN CITIES.

New York.—*Report on Public Baths and Public Comfort Stations.* In July, 1895, Mayor Strong appointed an advisory committee to report upon the subject of public baths and public comfort stations. The committee had been originally created by the Committee of Seventy; the Mayor's committee continued the existence of this body. The report furnishes a complete and exhaustive examination of the whole question of baths, public laundries, and public comfort stations.* The experience of English and continental cities with institutions of this character has been most instructive. The splendid bath and wash-houses of some of the London Districts, of Manchester, Birmingham, etc., furnish convincing proof of the possibilities of municipal activity in this direction. With us, in the United States, but little has, as yet, been done. Curiously, enough, the smaller cities have taken the lead in the movement. The larger cities have depended mainly upon private philanthropy which has not shown itself eager to enter the field. Philadelphia has but one swimming bath and makes no provision for bathing facilities during the winter months. The New York Association for Improving the Condition of the Poor, the baths erected from the Baron de Hirsch fund, and the Riverside baths constitute the only provision for winter bathing in New York City. Chicago makes an equally poor showing. On the other hand, the activity of some of the smaller towns is extremely gratifying. Massachusetts provides by statute for the erection by towns or cities of public baths. Brookline has just completed, at a cost of \$40,000, one of the finest baths in the country. It is supplied with eighteen private baths, a swimming tank 80 x 26 feet, and space for a gymnasium. The annual cost and maintenance will be about \$5000. It is expected, however, that the institution will be self-supporting. In the concluding chapter, the committee recommends the speedy erection of a series of six public baths, to be distributed through different portions of the city. Full details as to the plan of these baths are given in the report. In addition, a series of public comfort stations are to be distributed on the district plan.

* *Report on Public Baths and Public Comfort Stations.* New York, January, 1897. William H. Tolman, Moreau Morris and William Gaston Hamilton, Members of the Committee.

Bibliography of Municipal Administration. The Committee on Municipal Administration of the Reform Club has begun the publication of a quarterly to be devoted to the study of municipal problems.* The publication is one of the indications of renewed activity of this committee. In fact, the consolidation of the metropolitan area into the Greater New York, has been the means of stirring up the various civic organizations in the city. The plan of the committee of the Reform Club is to make definite contributions to the literature relating to municipal problems; while, at the same time, entering into the active prosecution of definite reforms. The bibliography is by far the most complete that has been published, containing all references of importance, not merely to municipal administration but also to general municipal problems. The foreign material is incomplete, but this is explained by the fact that the author wishes to present fully the material relating to American municipalities. References to foreign cities must be regarded as incidental to this main end. The bibliography will be hailed with delight by all interested in municipal reform movements.

Proposed Charter for the Greater New York.† Under the law creating the commission to prepare a charter, the commission was required to make its final report to the legislature on or before the first of February. After the public hearings before the commission came to an end, on the sixteenth of January, a committee of three members of the commission began the work of revising the draft, and putting it in a form to be reported to the legislature. It was not found possible to complete this work within the time fixed, and the legislature extended the term of the commission to the twentieth of February. The charter as presented to the legislature upon that day, while it had been improved in many of its details, was open to the criticisms that had been made of the draft as it appeared before this final revision.

Both the hearings before committees of the legislature and the discussion of the charter upon the floor of the assembly and of the senate, were entirely inadequate, and, indeed, were little better than perfunctory. The bill was "jammed" through the Assembly, and this process was repeated in the Senate, notwithstanding the vehement protests of one or two Republican senators, who openly declared that they voted for the charter only because of overwhelming party pressure, and in the face of their conviction that the enactment of the

* *Municipal Affairs.* Vol. i, No. 1. A Bibliography of Municipal Administration and City Conditions. By Robert C. Brooks. Published by the Committee on Municipal Administration of the Reform Club, 52 William Street, New York City. Price, 50 cents.

† Communication of James W. Pryor, Esq.

charter would be a serious injury to their party. The bill was then immediately sent to the mayors of the cities affected, under the provision of the state constitution which requires that all city bills which are not general shall be submitted to the local authorities of the cities affected. If any one of the three mayors to whom the bill has been sent should not approve it, the legislature must again pass it by a majority vote before it can go to the governor.

Mayor Strong has held hearings upon three successive days, the first, second, and third of April, for the opponents of the charter. At these hearings the charter was mercilessly assailed by representatives of the Chamber of Commerce, the Bar Association, the City Club, the City Improvement Society, and other organizations of citizens. The arguments were directed to the imperfections of the particular instrument, rather than to the merits of consolidation as a policy, and it was made clear that only a vast amount of additional labor could produce an instrument under which consolidation could be attempted with safety. The plea was for time in which this work might be done. The sympathy of the audience with the arguments advanced was noticeable and so far as the popular sentiment was reflected by the citizens who attended, that sentiment is decidedly against the charter. The supporters of the charter are also to have an opportunity to present their arguments before the mayor.

On the 9th of April Mayor Strong returned the Greater New York Charter with a message expressing his disapproval of the same. His main objections related to the bipartisan police board and the bicameral legislature. Under these conditions, it was necessary that the charter should be returned to the Assembly and repassed by that body. Immediately after the announcement of the veto message of the mayor, protests from a great number of reform organizations were sent to the legislature. The City Club, Chamber of Commerce, Bar Association, the Real Estate Exchange and others united in a combined protest against the re-passage of the charter. All of these, however, were ignored by the legislature. On the 12th of April, the charter passed the House by a vote of 106 to 32, and on the following day it was railroaded through the Senate. The various civic organizations are now endeavoring to bring pressure to bear upon the governor to obtain if possible his veto of the charter.

The Citizens' Union. The independent movement in municipal politics, the preparations for which were begun some time ago, was brought before the public on the twenty-fourth of February, by the announcement of the names of about one hundred and eighty citizens, fairly representing all the important elements of the community, as a central body of the new Citizens' Union, under the title of the

"committee of organization." The number of this committee was increased to about two hundred and fifty, and a meeting of the committee was held in Cooper Union on the twenty-second of March. Mr. Robert Fulton Cutting was elected chairman of the committee of organization and was empowered to appoint an executive committee. The addresses by Mr. Cutting, Mr. Jas. C. Carter, and others, expressed the belief that citizens must combine to fight all political machines in local affairs, and that the old process of reform with the aid of the enemies of reform would not again be attempted in New York. The eloquent expressions of the conviction that the Union must stand to its determination to nominate an independent ticket, without dicker, deal, or compromise, were received with enthusiasm. The executive committee has now been appointed, and has begun the work of preparing for an early and active campaign. Headquarters will be opened soon, and an enrollment of voters will be begun. If consolidation of the cities should not take place this year, the Union will confine its attention to this city. In the event of consolidation, the co-operation of citizens in other parts of the Greater New York will be sought.

Removal of Police Commissioner.—After holding the charges against Police Commissioner Andrew D. Parker for several months, Mayor Strong decided against the commissioner upon the seventeenth of March. The removal does not take effect unless approved by the governor, and the matter now awaits his action. Upon the ninth and twelfth of March committees from the Good Government Clubs and the City Club preferred formal charges before the mayor against both Commissioner Parker and Police Commissioner Frederick D. Grant, because of their arbitrary refusal to allow formal inquiry to be made into the conduct of the chief of police upon charges of insubordination and conduct highly detrimental to the department. No action has been taken upon these charges, although it is almost certain that they afford much greater reason for removal than the old charges upon which the mayor has acted in the case of Commissioner Parker.

Buffalo.*—A bill to provide Buffalo with a Board of Education has been introduced into the legislature but is not thought likely to pass this year. The proposed board is to have the entire control of the *business* part of the school department, and is to elect the superintendent of education for an indefinite time. This officer is now chosen directly by the people for four years, and has much more to do than any one man can do properly for so large a city. The proposed law would relieve him of all business functions. The appointing and discharging of teachers will be left entirely in his hands, subject

* Communication of A. L. Richardson, Esq.

to the provisions requiring previous examination of candidates by the Board of School Examiners.

Chicago.—Civil Service. The Second Annual Report of the City Civil Service Commission has just been published. It covers the period ending December 31, 1896. The influence of the commission during the two years of its existence is being felt in the various departments of the city government. "During the year 1896, 24,500 persons took out applications for entrance into the city service; 7148 returned the applications properly filled out and were entered upon the books of the commission. Of this number 4411 have been examined; 2429 have passed with the required average and have been placed upon eligible lists, awaiting appointment to the service as vacancies may occur. During the year, 1396 persons have been certified for appointment and have entered the service on probation. The total expenditures of the commission during the year were \$30,930.69."

This record of activity is sufficient to show the character of the work that is being done. It is a striking comment upon the attitude of the city councils toward civil service reform to find that the commission was compelled to appeal to various civic organizations in order to obtain sufficient funds to carry on the work. In commenting on the effect of the adoption of the civil service rules, the commission points to the fact that it has been instrumental in relieving the mayor and heads of departments from the pressure of applicants for office; "thus leaving them free to attend to their more important public duties;" secondly, it has relieved city employes from the necessity of contributing to political campaign funds. The commission also emphasizes the fact that under the new system the cost of carrying on the various departments will be greatly reduced. Some interesting data are given relating to the cost of tax collections during the period 1890-95. For instance, in 1891, in the bureau of water-rate collections, the percentage of salaries of collectors to total collections was 24 per cent; in 1892, 22.8 per cent; 1893, 24 per cent; 1894, 15.9 per cent; 1895, 22.8 per cent. The unusually high rate during 1891, 1893 and 1895 was due to the fact that municipal elections were impending. Unfortunately, no statistics of the relation of salaries to collections are given for the period during which the civil service law has been in operation. It is to be expected, however, that the new system will greatly reduce this cost of collection.

Massachusetts.—Metropolitan Park Commission. The report of the Metropolitan Park Commission for 1896 gives a complete account of what promises to be the greatest park system in the world. In 1893 the question of developing a metropolitan park system in Boston and vicinity took definite form in the appointment of a preliminary

commission. The report of this commission, showing the possibility of developing a continuous park system encircling Boston, led to the passage of the Metropolitan Park Act of 1893, which provided for a permanent park commission. The state legislature immediately appropriated \$1,000,000. The appropriation was made from the state treasury, to be repaid by yearly assessments on the local districts embraced within the metropolitan park area, "according to a rate to be determined each five years by a separate commission to be appointed by the Supreme Court." In 1894 an additional \$500,000 was appropriated. The appropriations of similar or larger amounts since that time have brought the total appropriation (December 1, 1896), to \$4,300,000.

The plan of the commission, as is shown in a map appended to the report, is to establish a continuous series of parks in and encircling the city of Boston. At the present time the commission has under its charge 6784.86 acres of park land, and is directing its attention to the improvement of the seashore district adjacent to Boston. To bring this into a condition best suited to the needs of the population of the metropolitan district it will be necessary to undertake the work of drainage on a large scale. The work of the commission, however, has inspired such confidence throughout the state, and especially in the district immediately affected, that it is more than probable this work will be undertaken in the near future.

Boston.—*Subway.* The Second Annual Report of the Boston Transit Commission describes another of the great public works which the city of Boston is carrying toward completion. For some years past the construction of a subway to relieve the congestion of traffic in the central portions of the city has been agitated. In June, 1891, a commission of inquiry was appointed by the mayor, which submitted a report in 1892. In 1893 a special legislative committee was appointed. As a result of the reports submitted, an act was passed providing for the construction of the subway. This act was submitted to the citizens of Boston at the state election and was rejected. In 1893 another act was passed, providing a route and creating a board of subway commissioners. This act was submitted to the city council and accepted. Subsequent amendments gave to the commission greater freedom in selecting the termini of the subway. The limit of expenditure for the entire work was fixed at \$7,000,000. An amendment of 1894 requires the commission to construct a bridge over the Charles river. Up to the present time the commission has expended \$1,703,772.33 of the total appropriation.

The commission has recently entered into a contract with the West End Railway Company, the terms of which will assure to the muni-

cipality the control of the subway, and, at the same time, a fair return on the cost of construction. According to the terms of the contract, the subway is leased to the company for a term of twenty years. As compensation for its use, the West End Railway Company agrees to pay annually to the city of Boston a sum equal to "four and seven-eighths per cent of \$7,000,000, or four and seven-eighths per cent of the net cost of the subway, if such net cost be less than \$7,000,000." It is further provided that the company pay a toll of five cents for each passage made through the subway by a car not exceeding twenty-five feet in length. This toll, however, is only to be paid in case the sum total of such tolls exceeds the four and seven-eighths per cent compensation above provided for, and only the excess amount is to be paid. Practically the provision means that the minimum payment will cover a fair percentage (four and seven-eighths per cent) on cost of construction, any additional payment to be determined by the excess of tolls over such percentage. The contract furthermore provides that neither steam nor animals shall be used within the subway as a motive power, except temporarily in case of an emergency. At the expiration of the twenty years' lease, the city is to acquire the tracks and wires at a price to be determined by the Board of Railroad Commissioners. During the term of the lease all repairs to the subway are to be at the sole cost and expense of the company, except such as "are made necessary by the act of God, public enemies, mobs, riots, the falling and settling of buildings, bursting of pipes outside of subway, explosions of gas, or works of excavation carried on or permitted by the city." The company is given the power to grant the use of the subway to individuals or corporations for wires, conduit or pneumatic tubes.

*Municipal Gymnasium.**—A somewhat novel function has recently been assumed by the municipality. A public-spirited lady lately gave to the city a large and well-equipped gymnasium in East Boston. The gift was promptly accepted by the city council, but as there was some doubt as to the city's legal right to run an institution of the kind, a special act authorizing the same was procured from the General Court. The city has outdoor gymnasia in connection with the public parks, but a gymnasium, pure and simple, seems to be another matter. The institution has been given into the charge of the Park Commission, and an excellent set of rules has been adopted for its use. It is free to the public, but regular classes have the precedence, and certain hours are reserved for women and girls. There are reading rooms and bathing facilities. In short, it is a sort of incipient "People's Palace," and may lead eventually to the incorporation of that sort of an

* Communication of Sylvester Baxter, Esq.

institution into the city's already extensive list of municipal functions. Indeed, should a well-equipped "People's Palace" be given to the city it would undoubtedly be accepted as readily as was the gymnasium.

Cincinnati.*—The litigation involving the validity of the Water Works bill has resulted in favor of the measure, and the commission is now engaged on the work. By the terms of the bill the city is authorized to issue bonds in the sum of \$6,500,000. Experts are of the opinion that the work will not be completed within ten years and that the cost will be at least twice the sum named in the act. The most objectionable feature in the act, however, has been removed, for the supreme court held section eight of the bill to be unconstitutional. This section provided that the commissioners in their discretion might contract in the name of the city with any person, company or corporation for the construction of the work as an entirety, and lease the same from the construction company for a period of not longer than forty years renewable forever, or instead of leasing the same the city might purchase the works from said construction company.

The supreme court held that as the city is prohibited from raising money or loaning its credit to or in aid of any company, corporation or association, it is likewise prohibited from becoming a part owner with any person or company in any public work. At the present writing the plan for the new water works has not been decided upon.

In November, 1895, an account was given in these Notes † of an attempt on the part of the Sinking Fund Trustees to refund certain indebtedness of the city at a lower interest rate by issuing gold bonds. The supreme court held then that in the absence of statutory enactment no gold bonds could be issued. Last year the legislature passed a law authorizing the Sinking Fund Trustees to issue Consolidated Sinking Fund Bonds to run not longer than fifty years at a rate of interest not exceeding 4 per cent per annum, principal and interest payable in such lawful money as the trustees should determine. In pursuance of this authority the trustees decided to refund \$3,654,000 4 per cent bonds by issuing forty year 3.65-100 per cent gold bonds. These bonds were sold on March 29, 1897, at a premium of 2.167 per cent. The total bids amounted to twenty-two millions. It is the intention of the trustees from time to time to refund other outstanding bonds on the same basis. Thus the finances of the city will be put on a better basis and there will be a large annual saving of interest—about \$12,000.

The educational system of the city is governed by three separate boards: The Board of Education which has charge of the common

* Communication of Max B. May, Esq.

† ANNALS, Vol. vi, p. 556. November, 1895.

school proper, the Union Board of High Schools and the University Board. During the past year there has been much complaint about the lack of co-ordination between different parts of the school system. Recently each board has appointed a committee of five to devise ways and means of bringing the different schools into close relations. This committee of fifteen is now in session and in all probability, a new course of study will be proposed for the intermediate and high schools. The main object of the new course will be to prepare the pupil directly for the university and other colleges.

Ohio.—*Corrupt Practices Act.* The legislature of Ohio has recently passed a Corrupt Practices act, which is so complete in every respect as to deserve special mention. The act limits the permissible expenses of candidates for nomination and election. The total expenditure is adjusted according to the number of electors, the latter to be ascertained by taking the total number of votes cast for all the candidates for the office at the last preceding election. The prescribed limits are as follows: For 5000 voters or less, \$100,—for each 100 voters over 5000 and under 25,000, \$1.50,—for each 100 voters over 25,000 and under 50,000, \$1.00; and nothing additional for voters over 50,000. Any payment in excess of the limits prescribed invalidates the election. The law requires minute statements of expenditures by the candidates and treasurers of political clubs and organizations. These statements must be supported by affidavit. The attorney-general is required to act on the basis of such reports. The act if enforced will do much toward preventing the illegitimate use of campaign funds.

Iowa.—The tendency of state legislation to set the standards of municipal policy in dealing with local affairs is well illustrated in a recent act passed by the Iowa Legislature. In 1873, an act was passed which gave to cities special authority to erect water works. In 1888, this power was extended to gas and electric light works. Having once granted this power, it has been felt necessary to protect the municipality against the decisions of the municipal council, by an act prohibiting the sale of such public works without the consent of the qualified voters. The law requires the submission of the question of sale to the people "at a special election held to vote on that question alone," the result of such decision to be binding upon the council. We have here but another expression of that general distrust of city councils which is leading to a great mass of legislation, removing discretionary power from that body.

Minnesota.—A recent amendment to the constitution of Minnesota emphasizes the principle of home rule for cities. It provides that any city or village in the state may frame a charter for its own government, consistent with and subject to the laws of the state. The legis-

lature is to provide for the creation of a board of fifteen freeholders, to be appointed by the district judges of the judicial district in which the city or village is situated. Six months after its appointment, this board is to return to the mayor of such city or village a draft of the charter, signed by the members of the board or a majority thereof. The charter must then be submitted to the people at a special election.

In order, however, to maintain adequate control by the legislature over local administration, the clause furthermore provides that the legislature shall prescribe by law the general limits within which such a charter shall be framed. The important question here to be decided will be as to the interpretation of the term "general limits." Everything will depend upon the attitude of the supreme court of the state. It can practically nullify the entire constitutional provision by giving a broad interpretation to this term. A new feature of this amendment is the provision that the Board of Freeholders is to constitute a permanent body, and shall have the power of submitting amendments to the electors of the city. Their discretion is restricted by the provision of the constitution, that "it shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the citizens." Up to the present time the constitutional provision has not been adopted by any city or village of the state.

FOREIGN CITIES.

London.—The London County Council is actively pushing the movement for the purchase of the franchises of the water companies. It seems, however, that Parliament will not give the necessary authority. The Conservative Ministry is opposed to this extension of the functions of the Council, as well as to the additional expenditure which such purchase would necessitate. It is probable that Parliament will appoint another commission to make further inquiry into the subject, which will mean the postponement of the question for at least one session.

The purchase of the franchises of the tramway companies is also becoming a much-debated question in the Council. The "Progressive" element is prepared to go to almost any length in the extension of municipal functions, and would hail with delight the purchase of such franchises, together with direct municipal management of the street railway system.

SOCIOLOGICAL NOTES.

Workingmen's Loan Association, Boston, Mass.*—The Workingmen's Loan Association received its charter from the Commonwealth of Massachusetts on March 8, 1888, and was organized April 19 of the same year.

In Boston, as in all large cities, there were numerous money-lenders lending at exorbitant rates of interest upon chattel mortgage of furniture and of other personal property. The rates of interest charged by them varied from 3 per cent to 10 per cent per month. Under such rates of interest the borrower could seldom pay up the principal of his loan, and year after year he would go on paying a heavy interest and never lessening his debt,—often, in the end, to have all he possessed taken from him when the lender demanded his principal. There was no company or person affording the opportunity of borrowing on such security at reasonable rates. It was for the purpose of providing such an opportunity to people of moderate means to borrow upon easy terms that this company was formed.

It was designed that the company should transact a business, but a business conducted economically, at the very lowest rates that would yield a fair return to the capital invested in the enterprise.

The charge for interest was at the outset fixed at 1 per cent per month, and this rate has been constantly adhered to in all loans that the company has made on chattel mortgage, upon which almost all of the loans of the company are secured. The system was adopted of requiring with each payment of interest the payment of an instalment of the principal equal to about 5 per cent of the loan, thus encouraging the borrower to save and to pay off his loan.

Before the company was organized, Robert Treat Paine had caused to be conducted an experimental work, beginning on August 1, 1887. At the time when the company was organized the loans outstanding made by him amounted to the sum of \$10,778.89; and these loans were transferred by him to the company upon its beginning business, with a sufficient guaranty against loss.

The company began business with subscriptions to its capital promised to the amount of \$66,600, this amount was raised later in

* Mr. Robert Treat Paine, 2d, the treasurer of the company, has kindly furnished the information in this note. The description of the work of the company is taken from a pamphlet published by the Massachusetts Board of Managers, World's Fair, 1893. Mr. Paine has revised this, and brought the statistics down to date for the ANNALS.

the year to \$78,200. The capital was called in gradually, and was loaned readily, borrowers eagerly seeking the advantages that were offered. The total number of loans increased until in March, 1889, less than a year from when the company began business, the whole capital was loaned.

The capital has been gradually increased until at the present time it amounts to \$100,000, all excepting \$900 of which has been paid in. In addition to this, the company uses \$35,000 borrowed at a low rate of interest. During the first year of its existence a dividend of 2 per cent was paid; in the second year 4 per cent was paid; and since that time regular dividends have been maintained at the rate of 6 per cent per annum.

These results were reached after providing for all losses, and in addition thereto an amount has been laid up and carried on the books in various funds amounting to about \$12,000 on October 1, 1896.

From year to year the business of the company and its financial results have shown a steady and satisfactory improvement. At the present time it has 2141 borrowers, to whom is loaned the total sum of \$146,988.11, making the average loan per borrower amount to about \$68. During the year just ending the results (the last ten days being estimated) are as follows: Loans made, \$133,343.37; loans repaid, \$118,032.48; number of loans made, 1450; interest received, \$15,931.98. In addition to other expenses, the company pays yearly taxes to the Commonwealth of Massachusetts upon its capital stock.

The results accomplished during these nine years have been encouraging. Loans have been repaid very fast, averaging about one year and a half in duration. The company has made approximately since its beginning to the end of the current year 9863 loans, amounting to \$935,178.14; and of these about \$782,552.68 have been paid off. Nothing could speak more strongly for the merits of the system than the speed with which borrowers have been able to pay off the principal of their debt. The charge for interest amounts to so little upon small loans as to be lightly felt, and a loan of the company seldom proves to be a heavy burden. Often illness or misfortune comes, when even an honest and industrious man cannot meet his payments. In such cases, wherever it is possible, the company relaxes its demands, and gives him time until his circumstances shall improve.

The relations of the company with its borrowers have generally been friendly. In most cases, the borrower's feeling is one of cordial appreciation of the efforts of the company to promote his welfare.

Methods of Doing Business.—As stated, the charge for interest is 1 per cent per month. An additional charge is made on the making of each loan, sufficient to cover all money expended in investigation

and recording the mortgage, and to give the company in ordinary cases \$1.65 for the time spent in appraisal and drawing papers. Nearly all of the loans of the company are made on the chattel mortgage of furniture and household effects.

These mortgages, in pursuance of the law, are recorded in the city or town hall where the borrower resides, and also in the city or town hall of the place where he principally does business. A few loans were made by the company in the beginning of its existence on pledges of jewelry; but this practice has been discontinued. Loans are occasionally made on insurance policies having a cash surrender value, on second mortgages of real estate, indorsed notes, stock and other securities.

Each applicant for a loan is questioned with great care. If the circumstances seem favorable for making the loan desired, he fills out a blank application, giving his present residence, previous residence, business, good references, and other desirable information, and leaves a deposit of thirty-five cents. An appraiser then goes to his abode, examines his security, and makes a schedule of the articles to be mortgaged, placing against each article the price that it would bring in a auction-room. A loan may be made to the amount of three-quarters of the total value so estimated; and this margin is, in almost all cases, required. The schedule, with the appraised values set upon each article by the appraiser, is entered by him on the back of the application, and filed in its proper place for future reference.

The borrower is required to show receipted bills for his furniture or to account satisfactorily for the absence of the same, in order to prove his ownership, and to show that, if bought on instalment, it is fully paid for. The records are then examined to ascertain if there is any existing mortgage on the property. In most cases, inquiry is made of the persons referred to or of other persons as to the character of the borrower. If the investigation proves the loan to be a desirable one, the borrower signs a mortgage and note for the amount borrowed, and receives the money less the expenses charged. Where the borrower is married, the signature of both husband and wife is required, and, generally, a general clause is inserted in the mortgage covering all furniture and household effects of every kind in his house.

Payments of the interest and instalments of the principal are made monthly, and receipts given for the same. In case of default for more than ten days, a notice is sent, with a charge of ten cents for the same, if it is the first notice. If the first notice proves futile, more imperative notices follow, for which a charge of twenty-five cents is made.

No investigation of the property mortgaged is made after the appraisal. The notices sent serve to inform the company of any change

of abode of the borrower, as in that case they are returned to the company by the post-office, and, by the attention that the borrower pays to these notices, a very good estimate can be made of the danger of losing the loan, and the measures of the company shaped accordingly. In nearly all cases, the deterioration of the property is more than made good by the monthly payments of principal made on each loan, so that a constant inspection is found not to be necessary.

The borrower's name is entered on a card, with his address, and on the back of the card there are entered in pencil the amount of interest and the date when it is due. The amount and the name of the month are changed from month to month, the interest growing less as the principal is paid off. These cards are so arranged as to show exactly what borrowers are delinquent at any time. They serve, therefore, as a convenient reminder of what loans are in arrears, and the amounts and date upon the back of the cards show exactly what interest is due and at what time.

The risk of the company from the danger of loss by fire of the goods mortgaged is met by requiring an insurance in its favor in the case of the larger loans. In the case of loans under \$100, a small yearly payment is made by the borrower instead of taking out an insurance policy. The receipts from this source are credited to a "Risk Fund." The company, however, has been careful not to assume the position of an insurer. The charge is fifty cents on loans under \$50 and \$1 on loans of from \$50 to \$100. Sometimes this system is extended to loans of from \$100 to \$200.

Risks of the Business.—The company has charged off since its organization as bad debts \$7,569.51, and has at present estimated bad debts amounting to \$1,444, a total of \$9,013.51. The amount of losses that it has suffered shows the risks to which lenders on such security are subject.

Many of the losses have occurred in the case of loans on other security than furniture mortgage; and experience has proved that the safest way of conducting such a business is to confine loans almost entirely to chattel mortgage of furniture and household effects. It has been found that furniture can be sold at auction quickly and easily. It generally brings the prices at which it is appraised. It is estimated that only one-quarter of the purchase price of the furniture is loaned upon it by the company. The loan is thus so small in comparison with the value of the furniture to the borrower that there is a strong incentive to pay the loan.

Loans on horses, carriages, boats, pictures, merchandise, stocks in trade, druggists' stores, and machinery, have been made by the company, and have generally proved unfortunate.

Loans are seldom made on furniture in storage, as the storage charges are a constantly increasing lien on the furniture, if their payment is neglected by the borrower. Loans are avoided to people of constantly changing residence or disreputable character; and to certain of the foreign races, especially where their residence in the city has been of short duration. Constant care is needed to protect the company against lending on goods encumbered by lease or mortgage.

With all the care that can be exercised, losses will occur; certain bad borrowers disappear with their furniture; it is found too late that the security is encumbered; furniture is destroyed or worn out or sold. These losses are one of the necessary expenses of the business, and only great vigilance upon the part of the officers of the company can keep them down to a moderate sum.

Many inquiries have been made of this company by men in other places who have been interested in its work, and have desired to found similar institutions elsewhere. It is hoped that the success of this company in Boston, during the nine years of its existence, may help to induce people in other cities to create similar companies to give working men and women facilities of borrowing money, at reasonable rates of interest, to meet their varying needs.

Provident Loan Society of New York.—The Second Annual Report of the society for the calendar year 1896 has just been printed. The society was organized to give aid on a strictly business basis by loans of money at one per cent a month, or one-third of the legal charge made by pawnbrokers on small loans for a short time. Considerable limitation is placed on the kind of goods on which money is loaned, as a rule restricted to jewelry and articles representing large value in small bulk. At first some bedding and furniture were taken but this has been discontinued because of lack of room. The report states that those who obtained loans from the society are rarely found on the records of charitable organizations but are persons accustomed to rely upon their own resources who apply to the society to tide over periods of sickness or lack of work. The work therefore is in the best sense preventive rather than charitable relief work. Loans are promptly repaid. Less than two and one-half per cent of the loans made in 1895 and 1896 remained unpaid at the close of the respective years in which they were made.

The society has a capital of \$136,000 on which six per cent interest has been paid, and after deducting all expenses, fixed charges and six per cent on contributed capital, \$10,697.03 was put aside as a reserve from the earnings of 1896: the gross earnings for the year after paying all expenses and fixed charges and after writing off twenty per cent on office fixtures were \$14,547.09 or about ten and three-fourths

per cent on the \$136,000 of paid up capital. The society can loan more money and proposes to increase its capital to \$200,000. 28,218 loans were made during the year averaging about \$20 each.

According to the law in New York parties engaging in pawnbroking are not allowed to sell unredeemed pledges over the counter but must sell the same at public auction. This necessitates greater conservatism in valuation of goods and in percentage of loan to appraised value. How well the society succeeded in this department of its work may be seen from the following statement in reference to auction sales in 1896. At two sales of jewelry 658 pledges were sold on which \$7,017.50 had been loaned: adding interest, commissions and expenses of sales these goods stood the society \$9,751.20 and the gross amount realized at the sales was \$9,583.30. There was a surplus on some articles, the total of which amounted to \$1,007.85 of which \$279.50 was paid back to original pledgers who called for it. The loss on those pledges which brought less than the amount loaned on them amounted to \$1,175.75. At a clothing sale 183 pledges were sold on which \$356.50 had been loaned; adding interest, commissions and expenses of sale these pledges amounted to \$500.07, and \$391.49 was realized at the sale. There was a surplus of \$29.79 on thirty-seven pledges and a loss of \$138.37 on 146 pledges.

The Teaching of Sociology in the New York University.*—The task of teaching sociology to undergraduates is beset with many difficulties. There are strong reasons in favor of postponing the subject to a graduate course; for without a proper grounding in history, both institutional and political, and in economics, the student can scarcely comprehend the principles of the new science, especially as they have been set forth in the works of Giddings, Ward, and the other recent writers; yet the New York University has tried the experiment of teaching this branch of study even in the sophomore year.

It was found that the presentation of the subject in its logical order—that is, beginning with the statement of general principles, and proceeding thence to the application of these principles to actual affairs—was not productive of good results with so young students; so the plan has been adopted of reversing the logical order, and presenting the concrete aspects of sociological problems first. The course begins with the study of practical social questions, such as the various problems of poverty, labor organizations, the problem of unskilled labor, socialistic legislation, the movement of population, etc.

The statistical method of investigation is pursued and Mayo-Smith's work on sociology and statistics has been found of great practical value in showing the sociological bearing of statistics and the general

* Contributed by Frank Moore Colby.

laws discernible from a study of the birth-rate, marriage-rate, and death-rate, statistics of crime, suicide, immigration and emigration, etc.

In discussing practical questions and the remedies proposed for social evils, the effort is made to lead up to a point at which the student will see the absolute necessity of a working hypothesis—a theory of society as a whole—in order that one-sidedness may be avoided in attempts at reform. The object is to make the student feel that, as Arthur Fairbanks says in his recent "Introduction to the Study of Sociology," the time has come when we need something more than vague wishes as the basis of sociological science. At this point an outline of the history of sociological theory is given, and the study of principles is begun. At present there is not time enough allotted to the subject to admit of an extensive course in sociological theory, as the subject is taught during only half of a college year.

The main value of this undergraduate course lies in its effect in stimulating the mind of the student to seek a theory of society. Moreover, it gives him a more definite and concrete idea of the province of sociology than he could obtain from a study of abstract principles. It is merely a pedagogical device, but promises to be useful as enabling the subject to be taught to younger classes than usually receive instruction in the universities. If it violates the logical order of the subject by beginning with so-called "applied sociology," it has, at least, the advantage of presenting concrete facts to the student at first, and leading up to general principles when he has reached the point at which he sees that general principles are necessary. To launch an undergraduate on the study of sociological theories propounded by Spencer or by recent writers without such preliminary training, seems impracticable. He does not see the "use of it all" and is puzzled by the diversity of the doctrines.

If this were the only alternative, it would certainly be better to defer the subject to a post-graduate course. On the other hand, the study of isolated social problems gives the impression that sociology is a mere bundle of separate social sciences—not a distinct science in itself. The course outlined above is an attempt to avoid each of these results and to retain the subject as an undergraduate study. In the present state of the science an attempt to show the bearing of sociological theory upon "practical sociology" would be very ambitious. Still it is possible to make it clear from a study of practical questions that a theory is necessary and has a definite office to fulfill.

Cultivation of Vacant Lots.—Philadelphia has taken up the matter of cultivation of vacant lots, and is preparing to go at the work in a thorough and systematic way. The movement is finding abundant financial support, and the greatest difficulty seems to be to

secure sufficient suitable land. An energetic committee, of which Dr. Thomas S. K. Morton, 1506 Locust street, is chairman, has the plans for this season's work well under way. An interesting circular, giving a statement of the success of similar plans elsewhere, has been published. The following extracts give the most recent results obtained in Detroit and New York:

The plan of helping the unemployed to employ themselves through the cultivation of vacant city lots was conceived by Mayor Pingree, of Detroit, in 1894. Under his inspiration, a committee secured the loan of 430 acres of unused city property, and offered to the unemployed of Detroit an opportunity to raise produce for themselves on allotments, varying in size from one-quarter to one-half acre. The land was plowed, and seed and tools were furnished by the committee. Nine hundred and seventy-five families received plots of ground and cultivated them during the summer of 1894 under the direction of a competent superintendent. The committee expended \$3618, and produce valued at \$14,000 was raised by the vacant lot farmers during the first season. The success of the "Pingree Potato Patches," which for the expenditure of each dollar by the committee during the first year returned nearly four dollars in produce, has induced more than twenty other cities in the United States to adopt similar plans of relief through work. Among these cities are New York, Brooklyn, Boston, St. Louis, Cincinnati, St. Paul, Minneapolis and Seattle. Abroad, the London County Council has been experimenting with a similar system of allotments of cultivable land for the relief of poverty.

Detroit, the originator of the plan, has applied it during the past three seasons with increasing success, as the following table representing the results will show:

Results of Vacant Lot Cultivation in Detroit.

Year.	Amount Expended.	Value of Crops.	Acres under Cultivation.	Number of Families.	Net Profit.
1894	\$3,618 00	\$14,000 00	430	975	\$10,382 00
1895	4,875 35	27,792 00	455	1549	22,916 65
1896	2,400 00	30,998 00	421	1701	28,598 00

The great value of the work in Detroit was quickly recognized by that city, and in 1895 an appropriation of \$5000 was made from the public treasury for vacant lot cultivation. In 1896 the city made an appropriation of \$4000 for the same purpose. The committee claims that the operation of the plan has saved the municipality in the past three years more than \$60,000, which would otherwise have been

expended in direct relief. Of the results of its work the committee says in its report for 1895:

"The experiment has clearly demonstrated that many of the destitute are ready and willing to work, that a large number of these people can be supported by utilizing vacant land in the outskirts of the city, that robbery and trespassing, even upon unfenced land, are not a serious difficulty; that a small space of ground is sufficient to raise enough vegetables to support a family through the winter; that a majority of the citizens who own the vacant land would rather allow it to be cultivated by the poor than pay a large tax for their support; that the needy are thereby assisted, without creating the demoralization in the habits of the people that gratuitous aid always entails, and that much relief and real help may by this plan be afforded with small expense to charitable persons or to taxpayers."

In New York, where the plan has been in operation for the last two years, the results are eminently satisfactory. The following report of the superintendent, Mr. J. W. Kelgaard, is quoted to show the character and results of the work:

"The work of our farms began at all hours. Some of these people had some work or chance of work during the day and would come over and work on the farms in the afternoon or evening; others would come over early in the morning, before their regular work; others mornings and evenings; others had irregular days, just as they had the time to spare; others were there all the time. Those who were unable to secure any work, spent nearly the whole of their time on their farms. All of them seemed to be endued with wonderful earnestness. Ignorant as they were of farming and farm work, they made up by zeal for their lack of knowledge, and watched the tender shoots as they came from the ground with the glee of a child finding a new toy. Each plant received the care almost as though it were a child itself.

"The men who operated the farms were not of the class that are looking for charity; most of them were men who had once occupied good positions, but through force of circumstances had gotten among the rocks, did not know how to extricate themselves, and took hold of this as a new hope.

"An interesting feature of the Vacant Lot Farms was what we called the Co-operative Farm. This farm was conducted entirely by the planters of the other farms, the only difference being that on the Co-operative Farm they were to pay back all expenses and divide the remaining profits, the idea being not only to help these people but to find out if co-operative farming would pay. We started late in June with about forty men, some of them hale, strapping fellows. Six secured work shortly after and left. The older ones, the infirm and those who on account of their physical disabilities were not able to go out and secure positions, were left on our hands to carry on the co-operative work. Notwithstanding the fact that this class of labor was unable to do in three days what a good man would do in one, the Co-operative Farm, I am glad to say, was a success.

"Each man was very careful that no one trespassed on his lot, and was also very careful that every bit of space was fully utilized. It was intensive farming on the closest scale. One man, a stone cutter, with five days' hard work by himself and two daughters (making fifteen days in all), took from his lot \$120. Another, who lived in a large tenement house in New York, was an expert gardener and was given nearly four acres of land, moved over to the neighborhood of the farms, rented a small house, and made \$430. He and his wife spent their whole time on the land, and were always careful to have one crop succeed another."

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INDEX OF NAMES.

ABBREVIATIONS.—In the Index the following abbreviations have been used: *pap.*, principal paper by the person named; *com.*, briefer communication, by the person named; *b.*, review of book of which the person named is the author; *p. n.*, personal note on the person named; *r.*, review by the person named.

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